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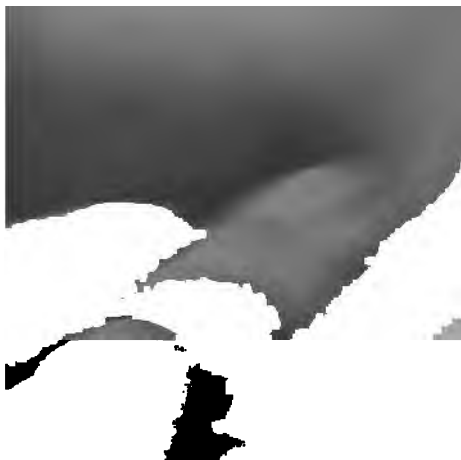
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# THE IRISH LANDLORD

AND

## HIS ACCUSERS,

WITH AN ACCOUNT OF

## MISGUIDED LEGISLATION

AND CONSEQUENT

## DEMORALIZATION AND DANGER,

## SOCIAL AND POLITICAL.

By "POLITICAL ECONOMY."

*Author of "Fair Rents."*



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## P R E F A C E .

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THE following pages have been written for the purpose of stating the case of the Irish landlords, and replying to the accusations made against them. The facts and figures have been taken from authentic sources, to which a reference has, in every case, been given. The substance of Part I., on "Fair Rents," was published some twelve months ago as a separate pamphlet ; but in order to make the present work a complete book of reference, it was thought that the question of "Fair Rents" could not well be omitted. As the table of "Contents" gives a brief summary of the several matters treated of, and the heading of each chapter will direct the reader at once to the several branches of the subject, it is unnecessary to refer to them any further here. In the "Conclusion," commencing at page 460, an effort has been made to sum up briefly the entire argument, and to show the injustice, the danger, and the demoralising influence of recent legislation.

The author now submits to the public, and especially to the English public, the results of his investigation; confidently believing that if they had known and attended to the facts, many of the grievous wrongs that recent legislation has heaped upon the Irish landlords would never have been permitted, and many of the disastrous evils inflicted, and many still impending, would have been avoided. From the history of the past, as well as from the inexorable laws of moral and economic science, the author has endeavoured to point out the grave and threatening warnings of the future. He has endeavoured to show how the flood-gates of demoralisation, and of social and political disorganisation, have been opened in Ireland, and to mark the sanguinary and ruinous consequences that may ensue if they should be opened wider, or not closed in time, and he submits that Ireland's present perilous position is the direct result of misguided legislation.

THE AUTHOR.

*June, 1882.*

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PART I.

“FAIR RENTS”?

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CHAPTER I.

I.—GENERAL VIEW OF THE QUESTION.

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Definitions of Fair Rent p. 4—Sound Principles of Political  
Economy, as to the Elements of Fair Rent, p. 5.

“THE Irish Landlord and his Accusers” is a subject which has occupied the Parliament, the Public, and the Press incessantly for the last two years. It has continually made Ireland the battle-ground of English parties, and strewn her fields with wreck and ruin. At times it has acted as a bond of union between English and Irish politicians differing upon every other question, and so has held governments together. At other times it has been driven as a wedge between sections of well-united parties, and split them asunder. The Act of 1870, according to some, threatened to unsettle the principles of Political Economy, to shake the stability of contracts as a law of civilised society, and to invade the rights of property. Legislation has

now been adopted, which, according to some, has opened up unbounded fields of industry, prosperity, and peace ; but, according to others, has violated the sacredness of contract, and destroyed the security of property—the two principles which constitute the essential distinction between a civilised and a savage state of society. The agitation has now brought Ireland to a state of lawlessness and anarchy unparalleled during the present century. Executive authority has been paralysed, and crime and outrage have stalked unpunished through the land. The authority of the law has been in many counties superseded, while terrorism at times has reigned triumphant. The present is a period of terrible suspense ; the future no man can predict.

Upon a subject of such momentous importance, while many volumes are to be found teeming with abuse of the landlords, and of the land laws, and advocating Communism, hardly one, except a few pamphlets, is to be found upholding the just rights of property, or giving the facts and history of the dealings of Irish landlords with their tenants. It therefore seemed to the author that a book dealing fairly with the whole question in all its bearings was much to be desired.

The Act of 1881 has been framed upon such strange and startling principles, that it has been deemed necessary to bring the entire relations between landlord and tenant in Ireland, as to rent

and tenure, under the clearing light of proved facts and practical knowledge; to subject them to the test of agricultural experiences, economic laws, legal right, abstract justice, moral and social effects, political consequences, and the solemn warnings of history.

The subject may be conveniently treated under three heads. Under Part I. it is intended to consider the subject of "Fair Rents," which the Reports of all the Commissions admit lies at the root of the whole question. The substance of this chapter appeared as a separate pamphlet early in 1881; but the subject is one so essential to the right understanding of the whole question, that although the Act of 1881 has now appointed an arbitrary mode of ascertaining a Fair Rent, it will be of use to investigate it on its own merits.

Under Part II. it is intended to consider "Fixity of Tenure," which carries with it "Free Sale," and the destruction of freedom of contract. The nature and origin of the demand will be pointed out. The shameful misrepresentations as to evictions, and as to the alleged confiscations of tenants' improvements, will be tested by statistics.

Under Part III. will be considered the Demoralisation and Danger, Social and Political, from wholesale and uncompensated Confiscations. The supposed "Magic of Property" will be compared with the real destruction of the Security of Property, and the overthrow of national honesty. The

influences of the Act of 1881 will be tested by facts, and by the unerring light of the examples of ancient and modern history.

*First—What are Fair Rents?* Have “exorbitant rents” been the cause of the chronic disaffection and the miserable condition of the South and West of Ireland?

The several ideas intended by different classes to be conveyed by the words “Fair Rent,” are as numerous and as varied as the different classes concerned.

The definition given by the Land League agitators was that “the tenant-farmers should feed themselves and their children, live comfortably and decently, keep their cabins neat, and send their children to school, and if there was sufficient left, pay the landlords the rent they demand.”\*

The nobleman of large estates will generally define it to be “the rent which he has been accustomed to get for the last twenty-five or fifty years unchanged.” An enterprising purchaser will say that it means “such profit as the land would fairly yield one year with another under a proper course of tillage with sufficient capital.” The speculating purchaser will say it means, “the most that he can obtain from any tenant upon a competition letting;” while the farmer that sublets will say that, “the fair rent to his landlord is something about Griffith’s valuation or under it;” while to

\* Speech of Michael Davitt in Dublin, June 13th, 1879.

anyone coming in as sub-tenant under him, he will at once say that "a 'fair rent' is the utmost he can obtain in the market from the farmer, the shopkeeper, artizan, or labourer, that has money and wants land."

Amid this general conflict of opinion, therefore, anyone who desires to have a clear view of the subject must first determine what is meant by the term "fair rent" according to sound principles of Political Economy; and any statesman proposing to deal with the Irish problem, must consider it with an especial reference to the present number and character of agricultural holdings in Ireland.

In ascertaining what a tenant could fairly pay as rent, the first question is, What will the land produce by a fair amount of capital and skill? This would be the gross produce. Out of this there should go to the tenant full remuneration for the seed, and labour, and purchased manure properly expended, and for his skill in management; a fair interest upon all his capital invested in stock and implements, or paid for fine to the landlord, or for improvements with the landlord's consent; and there should then be deducted the amount of the taxes upon the land. The sum remaining would be net profit arising from the use of the land, which has enabled the tenant to employ his industry and skill, and afforded him the means of investing his capital. This residue constitutes the rent of the land, and the average residue of such gross

produce, taken upon a number of years, would be a "fair rent."

During the continuance of the old system of unscientific farming, there was a sort of rule that the gross produce, when ascertained, might be fairly divided into three parts. One-third for the seed, labour, and taxes, and for the tenant's skill, one-third for interest upon the tenant's capital, and the remaining third for rent. Under the present system of scientific farming which might and should prevail, the question of what is "fair rent" depends upon so many uncertain and varying elements, it is not to be wondered at that such opposite opinions are entertained. An investigation of these elements will show the difficulty, if not the impossibility, of laying down any abstract rule, and the certainty that any plan for fixing rents other than freedom of contract would work the greatest injustice, sometimes on one side, and sometimes on the other.

## CHAPTER II.

### II.—WHAT IS A “FAIR RENT”?

- 1st. Necessity of Ascertaining what is the Gross Produce*, pp. 8 to 23.—Gross Produce of Tillage more than Pasture, p. 8.—Small Holdings do not produce Cultivation, p. 9.—Smaller Proportion of Land tilled in Ireland than in England or Scotland. Tables, p. 10.—The Produce of Land, as of Mill or Mine, &c., depends on the Skill in Working, p. 10.—Suppose Amount of Produce fixed, Prices must be ascertained, p. 12.—Increase of Prices since Griffith's Valuation, Tables, p. 14.—It is said, “The Land belongs to the State”—Fixing Price of Land, p. 16.—Why not fix Price of Produce of Land? p. 17.—Application, p. 18.—The Right of Property and Freedom to Contract, the precious Inheritance of a free People, p. 20.—Tables of Lettings, p. 22.
- 2nd. What should be allowed as a fair Remuneration for Labour*, pp. 23 to 30.—Effect of Machinery—Small Farms would not support the Tenants if Rent free, p. 23.—Testimony of Mr. Tuke, p. 24.—A Clare Estate, p. 25.—One great economic Cause of Discontent of Farmers—Rise of Wages, p. 25.—Work on Small Farms like Work of Hand-loom Weavers, p. 29.—Cotton Famine, p. 29.—Evil Consequences of Valuation of Rents, p. 30.
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In order to form a correct idea of what would be a “fair rent” of land, three things, which should form the principal and essential elements of any correct valuation, must be ascertained. *First*—What is to be set down as the probable gross



produce? *Second*—What should be deducted for labour and skill, and for seeds and manure purchased? And *third*—What should be deducted for interest on the tenant's capital? It will be necessary, therefore, to examine each of these questions in reference to the present position of agricultural holdings in Ireland.

*1st. What is to be set down as the probable gross produce? Under what sort of tillage or other management? And upon what scale of prices?*

If the land be chiefly in tillage, everyone knows that, with good manuring and high farming, the produce of every cultivated acre may be increased twofold, or threefold, or more, beyond what the produce would be from bad farming. If the land be chiefly under grass, the return of profit will depend upon having the stock which are suitable to the land, and upon judicious buying and selling. Whether the land be in tillage or grazing, the produce will depend upon the amount of capital judiciously expended. Is the estimate, then, to be made upon the basis of the course of farming usually pursued by the tenants of small farms using the worst implements, and having the most inferior stock—without a rotation of crops—without stall-feeding, or other means of making manure? Is it to be an estimate of what small farms, under such a bad system, do actually produce? or of

what, if fairly treated, they would certainly produce? Is the grain, which often varies, according to sample, from 10 to 20 per cent., or the butter, which often varies, in the same market, as much as 35 per cent., to be taken at the prices of the worst samples, the usual result of bad farming, or at the average prices obtained for the produce of good farming? All this is of the utmost importance with reference to any scheme for compulsorily fixing the amount of rent. If all this is to be ascertained by the testimony of witnesses, every bad farmer will necessarily, and may, even with truth, swear down the produce and the profit to his own experience of bad farming.

In this matter of the amount of produce obtainable from the land, considered as an element of rent, a comparison of the statistics of Ireland with those of the other parts of the United Kingdom suggests subjects for grave reflection. They show that while the average size of the holdings in England is vastly greater than in Ireland, the quantity of arable land actually tilled in Ireland is only about one-half the relative quantity tilled in England or Scotland. See Table I., next page.

TABLE I.  
DISTRIBUTION OF ARABLE LAND IN THE UNITED KINGDOM IN 1880.

		Distribution of Arable Land.				Per cent- age in crops and Fallow.
		Arable land.	Pasture and Meadow.	Crops and Fallow.	Woods.	
England	---	26,031,700	14,108,097	10,488,169	1,435,434	40.3
Wales	---	2,929,651	2,138,103	629,413	162,135	24.8
Scotland	---	5,549,830	2,615,098	2,123,029	811,703	38.2
Ireland	..	15,697,705	12,171,173	3,186,683	339,849	20.3
United Kingdom		50,208,886	31,032,471	16,427,294	2,749,121	

So that while in England and Scotland, under large farms, you have in the former 41 per cent., and in the latter 44½ per cent. of all the arable land actually tilled; in Ireland, with small farms and superabundant agricultural labour, you have only 21 per cent. of the arable land actually tilled.

Produce, then, being the chief element of rent, the gross produce of Irish land should be estimated at what it might be if the land were fairly tilled; and not at what it is while the land is left comparatively idle. If a mill is to be valued for letting, the value will be according to what the mill is capable of producing, not according to the profit (if any) that might arise from it while left idle three days in the week. The value of an iron mine, or coal mine, or lead mine, cannot be set down at what it would produce annually if insufficiently worked, which might be nothing. Cows are let to dairymen according

to their milking qualities and the expected average price of butter. If a dairyman makes butter which is unsaleable or only worth half the market value, he cannot expect to regulate the hire of the cows by the loss consequent upon his own want of skill, much less can he expect to keep the cows still on hire and pay a diminished price, to suit his own neglect or unskillfulness. The price of the hiring should be regulated by what the average profit would be under fair management, and the same rule must be applied in estimating the fair produce of land as an element of rent. If, again, the landlord and tenant are considered partners, the working partner is not entitled to work the concern, so that its produce shall merely pay his own working expenses, and leave no margin of profit to the other partner, who is the owner. If a fixed payment in lieu of profits has been agreed on, he is bound to pay that amount or give up the concern. The measure of the incapacity of the working partner would be a very unjust standard of the fair produce or profit of the concern. The only possible way, therefore, to do justice is to leave each party to make his own estimate of the probable amount of produce, and fix his own liability by his own contract. By this means the man who is conscious of his own inability to obtain from the land more than a given produce, may be saved from putting himself in a position for which he is unequal, instead of being lured into it by Government or other valuers. He can then

have no great cause for complaint, for he is himself the author of his own position, and honesty demands that he shall fulfil his contract or surrender his land. If, on the other hand, the rent is fixed by Government valuers, no Government could stand the storm of agitation and discontent, that would perpetually be fanned into a flame amongst the farmers, against the legislative or executive authority, or the English Government, who would be looked upon as the direct cause of all their future misery.

The average prices must next be ascertained. Suppose all these difficulties overcome, and the quantity of the agricultural produce fairly arrived at, it will still be necessary to ascertain the average prices of that produce. The rent to be paid for the land must be based upon the prices of the produce of the land. If rent, then, is to be no longer the subject of contract, but to be fixed by Government valuation, or some valuation external to the contracting parties, why should not the price of the agricultural produce be fixed in the same manner? Land is of no value except in respect of what it produces. Every argument for fixing the price of land applies equally for fixing the price of its produce.

The scale of prices for "Griffith's Valuation" was set forth in the Statute of 1852; and such has been the increase in price of every description of produce since then, that as compared with 1873, corn was, on an average, nearly 52\* per cent.

\* See Table in Land Committee's Paper, No. 1, page 27, and Table *infra*.

higher, and butter and fresh meat 82 per cent. higher than the prices set forth as the basis of that valuation. And the average of prices for 30 years, as in Table II., has exceeded the prices in the statute from 44.4 per cent. (on wheat), to 81 per cent. (on beef). On small farms, the tenant as against the increase in the price of corn will set the increase of wages; for he should be entitled to have his own labour remunerated at the price of the labour market.

In grazing farms the wages are so small, that nearly the entire increase in prices is clear profit.

The Tables show the increase in prices of butter, meat, and stock for the last 25 or 30 years. Table II., the average of prices in the Belfast market for 30 years, from 1850 to 1880, compared with the prices in the Valuation Act of 1852 shows an increase. In butter, 71.4 per cent.; in beef, 81 per cent.; in mutton, 66 per cent. In pork the prices are not reliable, because American produce is quoted at little more than one-half the price of Irish produce, as in 1880, 38s. 6d. to 60s.

The increase simply between 1852 and 1880 is much greater.\*

Table III. shews an increase in prices at Ballinasloe Fair, from 1851 to 1880. Upon oxen, 136 per cent.; heifers, 90.9 per cent.; wedders, 50.6 per cent.

Table IV. shews a like increase of prices in the Dublin corn and meat market.

\* See table of prices in twenty-four principal towns in Ireland, from 1851 to 1876, and in Dublin, 1880, *post*, page 80.

TABLE II.  
AVERAGE PRICES IN BELFAST MARKET ON FIRST WEEK OF DECEMBER, IN SEVERAL YEARS.

	Prices in Valuation Act, 1852.	1856. Per 112 lbs.		1862. Per 112 lbs.		1876. Per 112 lbs.		1880. Per 112 lbs.		Average for thirty years, 1850 to 1880.	Increase of 30 yrs. average above prices in Act '52
		From	to	From	to	From	to	From	to		
	Per 112 lbs.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	Per cent.	
Wheat (White) ...	7 6	10 6 - 14 0	10 0 - 13 9	8 6 - 11 0	7 9 - 10 3	10 0 - 10 6	10 9 - 11 6	10 9 - 11 6	10 10 1	44 4	
Oats ...	4 10	7 10 - 8 3	7 10 - 8 3	7 0 - 7 10	7 3 - 8 5	7 3 - 8 5	6 6 - 7 4	6 6 - 7 4	7 7 1/2	56 9	
Flax, per stone ...	6 1 1/2	—	—	*8 0 - 15 0	(1866) 7 0 - 9 0	(1877) 7 0 - 9 0	5 6 - 9 3	5 6 - 9 3	9 1 1/2	49	
Pork ...	32 0	55 0 - 62 0	55 0 - 62 0	37 0 - 44 0	40 0 - 55 0	40 0 - 55 0	38 6 - 60 0	38 6 - 60 0	43 2		
Butter ...	65 4	107 4 - 119 0	107 4 - 119 0	84 0 - 100 4	137 8 - 147 0	137 8 - 147 0	126 0 - 147 0	126 0 - 147 0	112 0	71 4	
†Beef ...	35 6	50 0 - 60 0	50 0 - 60 0	54 0 - 60 0	70 0 - 85 0	70 0 - 85 0	60 0 - 70 0	60 0 - 70 0	64 2	81 0	
†Mutton ...	41 0	56 0 - 66 0	56 0 - 66 0	60 8 - 70 0	76 0 - 98 0	76 0 - 98 0	65 4 - 84 0	65 4 - 84 0	68 6	66 2	
‡Milch Cows ...	—	12 0 - 17 0	12 0 - 17 0	10 0 - 18 0	14 0 - 24 0	14 0 - 24 0	12 0 - 22 0	12 0 - 22 0	16 6 0		
‡Two-year-olds ...	—	7 0 - 11 0	7 0 - 11 0	8 0 - 12 0	10 0 - 16 0	10 0 - 16 0	9 10 - 15 0	9 10 - 15 0	10 0 0		
‡One-year-olds ...	—	4 0 - 8 0	4 0 - 8 0	5 10 - 7 10	5 0 - 12 0	5 0 - 12 0	5 0 - 11 5	5 0 - 11 5	5 19 3		

The above Table is compiled chiefly from a return made by the Clerk of the Belfast Markets.  
\* Flax is given for the years 1866 and 1877, as the prices are not given for the other years.  
† The prices of beef and mutton are from the "Dublin Note" for first week in December.  
‡ The prices of cattle are from the "Fair Notes."

TABLE III.

PRICES AT BALLINASLOE OCTOBER FAIR OF STOCK YOUNG AND OLD, BEING THE AVERAGE OF THE PRICES OF STOCK RECORDED OF THE 1ST, 2ND, 3RD, AND 4TH CLASSES OF OXEN, OF HEIFERS, OF WEDDERS, AND OF EWES.

Average Prices of Stock of 1st, 2nd, 3rd, and 4th Classes at Ballinasloe October Fair.																Increase from 1851 to 1860.	Increase from 1851 to 1870.	Increase from 1851 to 1880.			
1851.			1855.			1860.			1865.			1870.			1875.			1880.			
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	Per cent.
7	12	6	16	1	10	14	18	1	15	18	1	15	18	9	15	17	0	18	0	0	136
9	12	6	15	5	0	14	6	3	15	2	6	15	17	6	14	15	0	18	7	6	90.9
2	0	0	2	5	9	2	7	7	3	0	0	2	17	7	2	15	9	3	0	3	50.6
2	0	6	2	0	0	2	4	3	3	15	0	3	2	6	2	13	3	*2	6	3	15.4
Total of Four Averages																172.2	272.1	292.9			
Average of all Stock ...																43	68	72.2			
Average, omitting Ewes†																54.3	72.6	92.5			

\* Ewes were a very high price in 1851, and were an exceptionally low price in Ballinasloe, in 1880, on account of the wet season of 1879 affecting sheep in the West of Ireland. † The average is, therefore, also given of the other stock, omitting ewes.



TABLE IV.  
SHOWING THE INCREASE IN PRICES.

Per 112 lbs.	Prices in the Valuation Act, 1852.	Average Prices, 1873.	(Bill) Proposed Valuation Prices, 1877.	Dublin, 1878.
	s. d.	s. d.	s. d.	s. d.
Wheat ...	7 6	12 0	10 0	10 7
Oats ...	4 10	6 10	7 8	8 4 <sup>3</sup>
Barley ...	5 6	8 6	8 4	9 0
Flax ...	49 0	66 7	60 0	60 0
Butter ...	65 4	110 0	121 0	135 0
Beef ...	35 6	70 0	70 0	65 0
Mutton ...	41 0	74 0	74 8	74 6
Pork ...	32 0	50 0	51 4	38 10

Next, it is said that the land "belongs to the State," and that, therefore, the State is justified in arbitrarily fixing rents. If so, the State should use it for the benefit of all, and not for the benefit of a limited class. There are only 298,398\* holdings in Ireland, containing over fifteen acres each, representing 298,398 families, or say a million and a quarter of people, but there are 277,642 holdings under fifteen acres, the holders of which would get more land upon much easier terms from the landowners, than they could ever expect to get it if all the land was given to the farmers now in occupation. These would represent another million and a quarter. Then there are 320,000 farm-labourers, representing

\* See the tables for the year 1879 in Eason's Almanack for 1881, page 136.

another one million, to whom may be added a quarter of a million more who have made money in trade and business, and want land, making together two and a-half millions of people in Ireland, whose interests are sought to be directly sacrificed, without any semblance of justice, for the benefit of the one million of the farming class. It is the old argument of "force and fraud." To put it shortly, "The land belongs to the people, and we, the farmers, who now have the franchise, are the people: therefore, it belongs to us."

The agricultural labourers, the starving artizans, the dwellers in towns, the tens of thousands of industrious men and women, who would be glad to toil hard and earn a livelihood, if they had remunerative work every day at their door, as thousands of indolent occupiers of the soil in Ireland now have, would be as well entitled to have the price of potatoes, and corn, and meat, and butter, and eggs, the produce of the land, reduced and fixed for their benefit, as the farmer to have the rent reduced and fixed for his benefit. The perilous fallacy in this mode of arguing that "the land belongs to the State," consists in supposing that the State can in a wholesale manner alienate the interests of the owners of land, or ignore or override the private rights of property, unless upon clearly proved public necessity, in accordance with justice, and upon making the fullest compensation. These rights are the source and spring

of almost every human industry. They constitute the chief difference between a savage and a civilized society ; and the Government or the Parliament that acts upon the principle of any general ignoring of them, must lead the nation on the certain road to bankruptcy and anarchy.

Passing over the inconsistent demand of the tenants to have a free right of sale of their farms, while they would refuse to the landlord a free right of letting, why should the tenant class, contrary to all principles of free trade, be protected from the natural and necessary consequences of competition in the price of the land, while left at liberty to avail themselves to the utmost of any competition with regard to the prices of the produce of the very same land ?

There is neither reason nor justice in the notion that the middle-class farmers of the present day, because they have votes and have been able to return members to Parliament, should dishonestly use that political power for their own aggrandizement—for the purpose of securing for themselves, without purchase and without title, the sole and permanent possession of the land of the country and at a fixed rent, to the exclusion, not only of the present owners, but of every other class.

Apply this to an individual case. A holding falls vacant, containing, say, over one acre Irish, and under fifteen acres. There are now 227,502 such holdings in Ireland, being over 44 per cent. of

the entire number of holdings. Griffith's valuation is, say, £1 an acre. An adjoining tenant, A, who has a small holding of similar land, paying £1 5s. an acre rent, offers the same price for the vacant farm, and says, perhaps with truth, that he could not make more out of it. The landlord replies, "Your farm is very much underlet. Although you may be poor upon it, other lands of the same kind pay much more, and yet are manifestly enriching the occupiers. When a tenant sublets, he gets three times that price. But as you and your family have been there for many years, I have been unwilling to make any change with you in your own farm; but certainly will not give you another farm to be left almost unproductive by your neglect, or want of skill or capital." B, another adjoining tenant on the same estate, a large farmer, offers £1 10s. an acre for it. He says:—"My large farm joins it. I have a reaping machine, a threshing machine, a full stock of farm implements and horses. Give the vacant holding to me. I will level all the useless fences, and thus add five per cent. to the area of the holding, and can cultivate it at one-half the cost required if it remain as a small, separate farm. It will, therefore, be worth £2 an acre to me." But a third tenant, C, adjoining at the other side, says:—"That holding is well-watered, most suitable for grass, and would be more productive in that way than any other. I keep a large dairy farm. I would manure it highly; lay

it all down to grass, and thus save payment of high wages for labour. Griffith's valuation in 1852 was £1 an acre, upon a basis of butter at an average price of 64s. per 112 lbs., and beef at 35s.; but in 1876 the average of butter was 130s., and of beef 70s. per 112 lbs.; and his valuation now, according to the change of prices, would be over £2 an acre, and I am ready to give £2 an acre." The landowner replies to C:—"Your offer is reasonable, and desiring a solvent, permanent tenant at a fair rent, I am willing to accept your offer of £2 an acre." Now, by what principle of law, human or divine, by what code of morals, by what precedent of any nation, having any pretence to freedom, would the State be justified in stepping in between these two contracting parties, the one freely willing to hire and the other to let, and arbitrarily preventing them from doing so. For what reason should they interpose the *fiat* of perhaps an incompetent valuator, or arbitrator, or an uninformed and misguided land tribunal, or County Court Judge, to fix another valuation, to forbid a contract, and impose instead an arbitrary and tyrannical law, fixing an arbitrary price not consented to by either party.

The unrestricted enjoyment of property and freedom of contract are among the most precious inheritances which a free people can possess; and if these rights of landowners are trampled on to-day to appease the violent demands of the tenants, who

happen now to monopolise the franchise power, the time would soon come when the landless class would improve upon the precedent in their dealings with these same tenants. If, then, the State has no right to interfere to prevent or control a contract about to be made, what shadow of right is there for their interfering to annul contracts already made and acted on for years, or to alter their terms to the prejudice of either party. If it were possible that for any Imperial State reasons, it became absolutely necessary to take such a perilous course as to interfere with these contracts, the first duty of the State, according to the dictates of justice and honesty, would be to place each party again in their original position. If tenancy be a contract of hiring, the tenant, upon payment of compensation for his improvements, should give back to the landlord the land which he had on hire. Or if the tenancy be considered as a partnership, the landlord should in like manner get back his land that he had put into the partnership. But to continue the hiring or partnership, and alter the terms compulsorily, as suggested by many men who think themselves most moderate, would be contrary to reason and natural justice.

Lest any should think this case of relative valuation and prices is overdrawn, a few actual cases are given in the subjoined Table.

TABLE OF ACTUAL LETTINGS, SHOWING THE REAL VALUE AS COMPARED WITH GRIFFITH'S VALUATION (OMITTING ANYTHING LESS THAN £1 OR ONE ACRE.)

County, and Nature of Holding.	Quantity.	Griffith's Valuation.	Price at which land let, or sold subject to the rent,—in rent and purchase.			Percentage of rent over valuation.	Observations.
			Date.	Rent.	Purchase or Fine.		
* Limerick—Aggregate of five farms ...	Acres. 915	£ 270	1874	£ 437	£ 3610	142	Leases, 35 or 50 years.
* Cork—one farm ...	57	50	1876	97	—	94	Do., 31 years.
* Clare—several tenants	1447	433		928	—	114	Landlord's interest sold in 1877 at 27½ years' purchase.
† Louth—one farm ...	6		1879	28	sublet		{ This was a subletting. { Landlord's rent was £14.
† Do. one do. ...	4	7 5	1879	28			The landlord's rent was only £10 10s. for 4½ acres.

\* See Land Committee's Papers, No. 1.

† See reports of law cases in the *Irish Times*, November, 1879.

*2nd. What should be allowed out of the gross produce as a fair remuneration for labour, and for Seed and Manures purchased?*

In the matter of labour, everything depends upon the size and circumstances of the farm. By the use of agricultural machinery, the labour upon 100 acres, all in one farm, could be performed at as little expense, and with more efficiency, than the labour on perhaps forty acres divided into five farms. The loss in working a small farm, by the inability to keep horses for ploughing, by the fields being broken into small patches, by the necessity for cutting, and threshing, and preparing corn by hand-labour, and such like, would double the cost of production. It may be quite true that when such small farms exist, it would be harsh and in many cases unjust, to make any sudden change, or perhaps any change, unaccompanied with other suitable employment for the occupiers; but all we are now considering is the legitimate cost of production as an element of "Fair Rent." If a tenant with a working family has only five or ten acres, which would not employ them for one-third of the year, is he to be entitled to claim, as his share of the produce of the farm, remuneration for the labour, as if he and they had been fully employed for the entire year? This is one of the principles of the Land League—"Let the farmer first feed and clothe himself and all his



family respectably, let him hold the harvest, and take out of it sufficient for all the necessities and some of the comforts of life, according to his own desire, and if anything be left, give it to the landlord." Here, then, before we even think of the mode of ascertaining a fair rent, we are brought face to face with an elementary problem going to the root of the whole matter—What should be allowed out of the gross produce of the small holdings as a fair payment for the labour of the tenant upon them? Numberless letters of eye-witnesses, and of persons of local knowledge, have shown in various ways that in many cases the tenants could not live on these holdings, though they had no rent to pay.

Mr. Tuke, in his pamphlet, says (p. 91):—"It matters not whether a man has fixity of tenure, or, being a peasant proprietor, has no rent to pay, he cannot, unless he has some other source of income, live and bring up a family on the small farms under ten or fifteen acres of land which form so large a proportion of the holdings in the West of Ireland." He gives again, at p. 60, an account of some villages in the Island of Achill. No. 1 has "forty-seven tenants, whose total rental is £130 a-year, holding 180 to 200 acres of arable land." No. 2 has "ninety tenants, whose rental is £240, holding about 360 to 400 acres of arable land." The first supporting 250 persons, the last 450 persons; so that the rental would be about ten shil-

lings a-head. He gives an account of an estate in Donegal where, on a rental of £8,000 a-year, "the rents did not average £5 a-year each." In a little pamphlet entitled, "An Account of Emigration," a property is mentioned in the County Clare, from which three vessels of emigrants were sent away by the owner in 1848, all of whom were fully provided for, and did well; but before leaving, the "entire rental of the estate would give only thirteen shillings and fourpence apiece yearly, and no more, to each person living, or supposed to live, thereon"—that is, less than a halfpenny a-day each.

In such cases, it would be the merest folly to enter upon any calculation of what would be a fair allowance to the tenant for his labour on the farm, when the merest support would more than absorb all that the land could produce, and the total remission of rent would only enrich the occupiers by a halfpenny a-day each. And for the Legislature to take the responsibility of ascertaining by any means whatever the amount to be paid as a "Fair Rent" under such circumstances, would be the grossest political blunder.

There lies at the root of the present pressure and discontent among the occupiers of small farms one great economic cause which has not been much observed upon, and which gives colour to the demand for reduced rents, or "fair rents." The wages of agricultural labourers in Ireland have increased, during the last twenty years, from a

shilling a-day, to two shillings or two and sixpence a-day in summer, and from eightpence to one and fourpence or two shillings in winter ; while oats and potatoes, which the small farmers chiefly grow for their own use, and by the consumption of which they have to pay themselves for their labour, have not increased in anything like the same proportion. Consequently, the position of the labourers who work for hire has been rendered double as good as it was, while the position of the holder of a small tillage farm, who works for himself, and has no paymaster, is but little improved, and he not unnaturally looks for a remedy in the reduction of his rent. He says that the labour expended by himself and his family on the land (whether productive or not), should be first remunerated at the increased scale of wages, to be deducted out of the gross produce, in order to make him equal with other labourers. The same rise in wages has improved the position of the labourers in towns, and they and the agricultural labourers, at chapel on every Sunday and holiday, at every fair, market, and meeting, with their wives and daughters, display their improved condition, and the holders of small farms, with their wives and daughters, are naturally forced to emulate them.

A farmer, no matter how small his holding, has always been considered as superior in position to a common labourer. Why, say the land reformers, should he be obliged now to live inferior in food,

and dress, and drink? He thus insists upon continuing the unremunerative employment, and proposes to adjust the balance by absorbing or abolishing the landlord's rent, and says that no rent would be fair which would leave his position inferior to that of the well-paid labourer.

The true and only safe solution of that difficulty would be that such small farmers should cease from their unremunerative employment, and that economic causes should be allowed to work out the solution, by converting the half-employed and poverty-stricken occupiers of small holdings into well-employed, and well-paid, and comfortable labourers.

There are 227,502\* agricultural holdings in Ireland, containing between one acre and fifteen acres each, these constituting considerably more than one-half of the holdings (525,900) of over one acre each. What proportion of the gross produce should, under these circumstances, be allowed as the cost of production, to fairly remunerate the tenant for his labour on such farms? If the amount were fixed according to a scale of what it would be upon a large farm, the tenant and his family might not have one-third of the ordinary wages of hired labourers. If it were fixed upon the current scale of wages only for the days actually worked, in most cases a very small margin of profit would be left—in some, perhaps, no mar-

\* These are the numbers for 1879. See Eason's Almanack, 1881, p. 136.

gin. If it were fixed by allowing the tenant and his family remuneration, not only for the time they were working on the farm, but also for the period of enforced idleness when there was no other employment, there would, upon the majority of such farms in the South and West, be no margin whatever left for rent. It is clear, then, that in ascertaining the fair rent, the amount to be deducted from the gross produce for the cost of the labour expended in production, should, in justice, be only such sum as would be required if the proper methods of husbandry were adopted, and agricultural machinery were used to a reasonable extent. But such payment to the occupier of a small farm for the cost of his labour, would leave him in abject misery. No reduction of rent could adequately relieve him. The only true and sound solution would be that he should cease to cling to a small farm when his labour ceases to be remunerative.

When, by the use of machinery, corn can be cut for ten shillings an acre, and threshed for ninepence or a shilling a barrel, the occupier of a small farm has no right, if he insist upon cutting with a hook, and threshing with a flail, to claim as a deduction from the gross produce, remuneration to himself for such misspent labour at the high current rate wages, amounting to £1 an acre for cutting and two shillings a barrel for threshing, and so in every other stage of farm labour. But how could

any valuator, or juryman, or Court lay down any fixed principle for estimating what amount should be so deducted for cost of production, if once the solid and unassailable ground of contract between the parties were abandoned ?

Let anyone, for a moment, recall the introduction of the cotton and woollen machinery into Lancashire some years ago. Did anyone ever dream of asking for legislative interference to compel the owners of mills and of capital to continue the use of the hand-looms. Thousands were thrown out of bread, and were starving during the transition, but did anyone suggest such a wild and fatal interference with economic laws as to ask for an Act of Parliament to compel the manufacturers to continue the use of the hand-looms (and in many cases, the looms were hired out as the land is), and thus compel the continuance of this unproductive labour. This is what is now sought with regard to Irish land: that the owners of the raw material shall be compelled to leave it for ever to be manufactured in an unproductive manner, and shall lose his profit accordingly by reducing the rent.

Again, at the period of the great cotton famine, hundreds of thousands of industrious artizans and mill-workers were thrown out of employment because the supply of cotton was not equal to the demand, and the owners of cotton would not sell it at a price which would repay the manufacturer

to work it. These hundreds of thousands of honest workers were literally starving, and had to part with their last blanket to put bread into their children's mouths, yet there was no foolish, fruitless attempt to compel mill-owners still to work their mills at a loss, or to compel the owners of stocks of cotton to sell their raw material, below the market value, in order to continue the employment, as it is now sought to compel the owners of the land—the raw material—to sell it, or to continue the working of it in the hands of those who can only work it at a loss. It was known then, as it should be known now, that those fundamental economic laws cannot be violated with impunity; that if the mode of production in any employment is such that the cost of production swallows up all, or nearly all, the produce, the employment should cease, and that the longer it be carried on, the more misery it brings upon those engaged in it, and the more loss to the nation.

If, therefore, the valuation of a fair rent was to be made upon the basis of allowing to the tenants for the cost of production, payment for all their misspent and misapplied time upon their diminutive holdings, it would be unjust to the owner of the land by misappropriating what should be his fair profit; it would tend to perpetuate the misery of the tenants by inducing them to continue in an unremunerative employment; it would be injurious to the nation by turning the industry of its people

into an unproductive channel ; it would violate the settled laws of political economy, and thus sow the seeds of future misery and discontent, and, to descend to a lower platform, would contradict all the political principles of which the Liberal party in England have been boasting for the last century.

*3rd. In ascertaining the Rent, there should be deducted from the gross produce interest upon the capital invested by the tenant.*

The capital invested by tenant may be of two kinds—(1) The working capital invested in stock and farm implements, which every tenant must have ; (2) The sunk capital which a tenant may have invested in payment of a fine to the landlord, or in the purchase of the interest in the lease, or in the tenant-right. Each of these require to be considered separately.

*(1) As to the Tenant's Working Capital.*

Here, again, the difficulty of poor tenants and small farms arises. The tenant upon a large farm, under a good system of farming, with expensive machinery and high-priced stock, would keep a capital of, say, £15 an Irish acre all round afloat upon his farm. If on an average ten per cent. for interest upon the capital be allowed, this would give him £1 10s. an acre out of the produce ; while the bad tenant, who kept only £5 an acre capital afloat, would be entitled to only ten shillings an



acre out of the produce as interest on his capital. Yet the latter, when he looks at the harvest invariably thinks that although he has but a very small capital afloat, his share of the produce should be as large as that of the other, and, regardless of the cause, his bitter complaint invariably is that all the crop goes to the landlord. But the principle is clear that, as the gross produce of a farm will be in proportion to the amount of working capital of the tenant kept judiciously employed upon it, the tenant's share of that produce should be in the same proportion.

(2) *As to Capital sunk by the tenant on coming in.*

When money has been paid by an incoming tenant, either to the landlord as a fine, or to an outgoing tenant as purchase of a lease or of the "tenant-right" or good-will, with the landlord's permission, the tenant cannot have any profit from the farm, unless he gets a fair interest upon capital so expended. This at once raises a question as to fair rents, most difficult to solve upon any principles of justice.

If the money is paid as a fine to the landlord, the rent is of course reduced accordingly, and no question arises.

If the money has been paid for purchase of a lease for a given time, the tenant in like manner has the value of his money in the reduced rent during the term of the lease.

But if the money is paid by the incoming tenant to the outgoing tenant for the mere tenant-right, the question of how far the tenant is entitled to have the interest on such capital allowed in all future ascertainment of the rent requires very special consideration. The tenant-right, or mere transfer of the possession of a tenancy from year to year of the bare land, in Ulster frequently sells for twenty, sometimes for thirty-five years' purchase upon the annual rent. It is clear that in such cases, on the one hand, the existing rent is not one-half what might be paid if there were no capital sunk in the purchase of such tenant-right; and on the other, that the tenant could have no fair profit unless he retain out of the gross produce a fair interest upon his capital so expended. What is called a "fair rent," where there is tenant-right, cannot therefore be what is generally meant by a fair rent. Any valuation for the purpose of fixing rent, if it allowed no deduction for interest upon the capital payable for the tenant-right, might leave no profit to the tenant; and if it did allow such a deduction, might be grossly unjust to the landlord if an unreasonable sum was payable for the tenant-right. An incoming tenant, with money which he had no other way of investing, might purchase the tenant-right of a farm, well knowing that he could not have more than  $1\frac{1}{2}$  or 2 per cent. for his money. It would be clearly unfair to the landlord

to calculate interest upon such capital at the ordinary rate as an element in estimating the fairness of the rent, present or future. No general rule for valuing rent, in such cases, could be laid down in accordance with the principles of justice.

A fresh Government valuation, made upon the general principles of the natural capability of the soil, would be very necessary to correct the gross inequality of the former valuation, but would be useless for basing any legislation upon it as to rent. In Ulster, and upon any estate elsewhere subject to "tenant-right," any valuation for the purpose of fixing rent should necessarily be made upon a basis entirely different from the valuation of lands not subject to tenant-right, and should take into account the existing custom of tenant-right upon each estate, varying in value upon different estates from five to thirty-five years' purchase of the rent, or from £5 to £30 an acre.

Prior to 1870 tenant-right existed only by the laches and acquiescence of the landlord. It had, indeed, grown by long-continued uses into such a right as a Court of Equity might have fairly enforced; but then it would have only been enforced subject to all the equities of each particular case. The Act of 1870, by declaring it a valid custom enforceable in law, gave the Ulster tenant a substantial interest in the land, without limiting or defining it, and without drawing any line of demarkation between it and the property of the

landlord. So that there exist two opposite and conflicting interests in the land, each recognised by law, and the owner of each interest has a legal right practically to absorb or exhaust the interest of the other. This was the result of the crude legislation of that Act, which Lord Dufferin has so humorously described as putting the tenant into the same bed with his landlord. Whether the tenant-right be limited or unlimited, the landlord may raise the rent so as to render it valueless and unsaleable; and where unlimited sale is allowed, the out-going tenant may sell at a price (at least in good times), which will render the farm profitless at the rent. It would be idle to talk of a valuation in such a case, because the amount of purchase to be paid by an incoming tenant is and must be an unknown quantity, and the question of a "fair rent" is what could a tenant pay after deducting from the produce a fair interest upon an unknown sum of money.

This state of things existing upon many estates in Ulster, and upon some other estates, has forced many influential landowners of both parties to declare that some remedial legislation is necessary to lay down some fixed and fair principles, both as to rent and sale of tenant-right. This is a question which must be fairly faced and met, but the remedy is not to be found in a valuation of rents.

(1) *Where there is only a limited tenant-right.*

Where there is an estate rule limiting the price on the sale of the tenant-right, the rent should not be raised in respect of the tenant's improvements. If the tenant on coming in has only paid according to the rule, then in estimating the rent there should be a deduction from the gross produce for interest upon the sum so paid. If, without the consent of the landlord, he has paid beyond what is allowed by the estate rule, or has paid money to an out-going tenant where there is no tenant-right, he has done so at his own peril, and there is no claim to any such deduction. It would be contrary to all principle to compel a landlord to change a limited into an unlimited tenant-right. Nothing could be more unjust than that where a landlord has intentionally left his rents moderate, in order to have a comfortable and contented tenantry, an out-going tenant should be at liberty to rob the incoming of this advantage intended for him by the landlord, and carry away for his own use the capital value of so much of the landlord's property.

(2) *Where there is unlimited tenant-right.*

The case is entirely different where unrestricted sale of the tenant-right is allowed on the estate. On such estates, no settlement of the question

is possible while these two conflicting interests of the landlord and tenant continue as at present unlimited. Their respective values must first be ascertained and fixed as of a given period, and must then remain distinct from each other, and limited in amount. The present position on such estates is this. The tenant claims, at all times, and especially when the price of agricultural produce advances, to sell at the very highest sum that can be obtained, and thus to secure to himself not only the price of his own improvements, but also all the capital value of the natural increment of the land, and all benefit arising from the advance of prices. This is simply a claim to sell the landlord's property and pocket the price. Some landlords, on the other hand, claim an unlimited right to raise the rent, checked only by their own discretion. If this was done when there had been no advance in prices from the time that the rent was originally fixed, and no local or other circumstance by which it was justified, it would be a gradual absorbing by the landlord of the property of the tenant in his tenant-right.

It is clear that both these claims would be equally unjust, and therefore, any remedial legislation must take the direction of limiting them both.

*Then comes the question of securing the tenant in his improvements.* This at once arises when it is sought to limit the sale of the tenant-right. The tenant's

improvements have, heretofore, always formed a part and parcel of the tenant-right, and this sometimes necessarily led to injustice where tenant-right was limited. Where tenant-right exists, there should, of course, be no limit to the right of the tenant to sell to the purchaser of the tenant-right all proper and suitable improvements, at whatever they would bring, and no power for the landlord to increase the rent solely in respect of improvements to which he has not contributed, or for which the tenant has not been compensated.

The Ulster tenants should have the same security and be placed upon the same footing, as to future improvements, as tenants in the rest of Ireland; but this is what the framers of the Act of 1870 omitted to provide for.

It will be necessary, therefore, to consider the effect of the Land Act of 1870. That Act rendered this question of tenant-right tenfold more embarrassing than it was. It gave rise to many disputes between landlord and tenant in the North of Ireland. By giving a legal sanction to the claim of tenant-right, it put landlords there on the alert to obtain more rent, and to prevent extravagant prices being paid for tenant-right, lest their interest in the reversion should thus be absorbed; and it gave the Ulster tenant no security for his future improvements. Section 4 of that Act provided compensation to be paid to the

tenant on quitting, for "all improvements made by him or his predecessors in title." But it excluded from its operation any tenant claiming under the Ulster custom. This was a righteous measure of justice to tenants not under the Ulster custom. It provided a perfect security for the investment of capital and industry on the land. It said to these tenants, that they might go on and expend their capital; and whether their tenure might be long or short, they could not be disturbed until full compensation should be paid for their improvements. But section 1, while it legalised the Ulster custom, provided that a tenant claiming it, "should not be entitled to compensation under any other section of the Act." It left the option to claim either for improvements or under the Custom; but this was valueless, because the money paid for the tenant-right was paid either in respect of improvements made half a century before, or never made, and if not claimed back as tenant-right, could never be recovered as improvements. This blunder in the Act is now seriously agitating the Ulster tenants. It has forced many of all political parties in the North to demand a change. The tenants of the other provinces have a perfect security for their improvements, while the Ulster tenants, though more industrious, with more capital and more enterprise, have no security in case of eviction. This difficulty meets them at every turn. If there are estate rules



limiting the amount at which the tenant-right may be sold, to, say, five, ten, or fifteen years' rent, the indolent tenant may sell for the full amount allowed, while the tenant who has drained, or fenced, or built houses or necessary offices, rendering the place valuable far beyond the amount permitted, will not be allowed to take more. If there is an unlimited tenant-right, the tenant will be safe, unless he is being evicted, but then the compensation for his tenant-right will be ascertained by the average amount paid upon the estate regardless of his improvements.

Again, if the landlord of a tenant-right estate should propose to raise the rent, a tenant who has made great improvements has no alternative but to submit, because, if he is evicted, he can only get from the Court the customary amount paid for tenant-right on the estate, whether it be ascertained by the limitation imposed by estate rules or by the amount usually received upon unlimited sales. He may have come in ten or twenty years before, and paid this amount himself to the outgoing tenant; he may, since his purchase, have expended large sums in real and substantial improvements; and yet, on the Land Claim, he must choose between the custom and his improvements; whereas, in justice, he should be entitled to tenant-right and the value of his subsequent *bona fide* improvements. This defect in the Act could

be remedied without any valuation of rents, and it should be remedied in order to give the Ulster tenant equal justice with the tenants of the other provinces.

In estimating a tenant's claim upon eviction, all improvements from a given date might be dealt with separately from tenant-right, and improvements prior to that date, as a general rule, included in it, if tenant-right were claimed by the tenant. Perhaps an approach might thus be made to ascertaining the rights of each, by declaring that the value of tenant-right should henceforth be ascertained, when necessary or fair, upon any dispute, by taking the average amount paid for "tenant-right" on the estate prior to the year 1870, and declaring that to be the fixed value; but with the right for the tenants, if selling to the incoming tenant, to sell all improvements made after that date; and if evicted, to be compensated, not only for the tenant-right, but for all similar improvements. This limit being imposed on the tenant's interest on the one side, a corresponding limit to the raising of the rent on their tenant-right estates should be imposed on the landlords. It might be that if the existing rents were considered to have been fair rents at the respective times at which they were originally agreed to, and to be raised only in respect of an increase of prices since then, or in respect of

the landlord's expenditure or local circumstances affecting the value. some solution might be found, and justice might be secured upon both sides; but a valuation rent, with all these conflicting elements, could never be equitably fixed upon tenant-right estates.

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## CHAPTER III.

### IS THE RENT TO BE FIXED OR VARIABLE ?

Political Mistake to fix Rents otherwise than by Contract, p. 43.—Fixing Rents would prevent the Landlord's Expenditure on the Land, p. 44.—A variable Rent would lead to perpetual Disputes, p. 45.—Strike against Parliamentary Rents more likely and more reasonable than against Rents based on Contract, p. 46.—Danger to Civil Society from abandoning Contract, p. 47.

THE next question that arises is, whether the rent so ascertained is to be fixed or variable ? Suppose all these difficulties surmounted, and a "fair rent" settled upon, according to present prices, is it to remain for ever unaltered. If Parliament should commit itself to the gross political mistake of abolishing freedom of contract between the parties, and should assume the arbitrary duty of fixing the amount of rent to be paid, instead of settling anything, it would only be laying up for the nation a fresh inheritance of difficulty and danger. If from the extension of railways and any other cause there came a glut of American corn or meat in our markets ; or if from continued depression of trade the demand became greatly diminished, the rents now fixed could not be maintained.

The rents fixed by Parliament should then be reduced by Parliament; the admission of the principle of Parliamentary interference in such a matter would afford then a rational and unanswerable basis for a new, a more intense, and a more widespread agitation for a Parliamentary reduction of rents. Each fresh reduction or interference would but feed the flame of cupidity and discontent, and thus perpetuate the evil. If on the other hand, prices permanently increased, the injustice of retaining the old rents would be manifest without any mode of redress existing.

The unsoundness of such a principle is patent, because this external authority, while assuming the power to determine what was a "fair rent," would be continually liable to be influenced to reduce it, but never to increase it. Again, while the good and straightforward landlord would be controlled by such a law, the grasping and oppressive landlord would be able at all times to evade it. Though he could not fix the rent beyond a certain sum, he would manage to require, as a condition of the letting, the payment of a fine, or the purchase of manure, or of something connected with the farm, under colour of which its full value would be obtained.

Besides this general change of prices there are continually local variations of endless variety, which affect prices in large districts as much as any general variation. The introduction of a rail-

way, the opening of a harbour, the deepening of a river, the execution of drainage, the opening up of a bog for fuel, all may have a local effect upon prices as great as any general causes, and then the rent would be unjust. The Parliamentary fixing of rent, by depriving the landlord of the benefit of any such change, would necessarily prevent any expenditure of capital by landlords for any such development of the resources of the country. The roads would remain unmade, the rivers unsunk, the land undrained, the houses unbuilt.

Suppose, on the other hand, that it was arranged that rents should be varied according to the variation of prices, or according to periodical valuations. Here would be at once introduced a disturbing element, which, instead of settling the relations of landlord and tenant, would provoke and almost necessitate a perpetual warfare between them. Many landlords in Ireland, as shown by the statistics of the Land Committee, have never raised their rents for 50 years. Their pamphlet, Table No. II., shows that out of an average one-third of all Ireland, there is 41½ per cent. of the land on which the rents have not been raised for 30 years, and 74 per cent. on which they have not been raised for 20 years, and that during the last 10 years, notwithstanding the great advance in prices, the rents upon only 7¼ per cent. of the farms have been raised. Many landlords would still, notwithstanding all provocation, act in the same generous spirit; but if a tenant

were entitled by Act of Parliament, upon every fall of prices to call for a reduction of rent or a revaluation of his farm, then, indeed, he would have an excuse for refusing to pay, until a new settlement was made. Another widespread repudiation of all obligations as to rent would again periodically convulse the nation, and even honest men might be induced to join in it, for it would not then be seeking to annul a contract, but only urging the legislature to undo what itself had done, and such a course would then have the necessarily implied sanction of the legislature.

A strike against Parliamentary rents would be more likely and more reasonable than against existing rents. At present, rents fixed by contract, though in many instances not half the real annual value, are repudiated and unpaid in three-fourths of Ireland. Although they are certain and, in most cases, moderate, although they are enforceable by every process of law, and may be maintained by all the police and military authority of the British Government, yet at the present moment, they cannot be recovered. If, instead of this, you substitute a rent, variable upon every change of prices, how could such a rent be enforced? All the elements of uncertainty, of doubtful legality, of exasperating coercion upon tenants whose assent to the amount was never asked, of hatred to an impost assessed, and sought to be imposed, by an alien Saxon Government would be combined and concentrated to

increase and perpetuate discontent and endless agitation, accompanied by a more intense hatred of England. At present, the landlords, who have made the contracts, stand as a breakwater between the discontent and British law, and are well-nigh overwhelmed. Once this barrier is removed, as it certainly would be by any interference with the freedom of contract, the whole flood of agitation and violence would be directed against the continuance of British influence and British law in Ireland.

All this shows the extreme danger of leaving the solid basis of "contract," and seeking by other means to interrupt the dealings between individuals as to their private rights of property. All civil society is held together by freedom of contract between man and man, by a settled law, and authorised tribunals, to ascertain and declare the contract, and by an executive authority in the State able and willing to enforce it. When, in any country, these sure foundations are to any great extent departed from, the nation is rapidly drifting to anarchy or despotism, or, as generally happens, anarchy and bloodshed, to be immediately followed by despotism. In a large part of Ireland at present, all contracts as to rent are avowedly repudiated, and that, for the most part, by men who are perfectly able to fulfil them. Instead of there being any law to declare these contracts as right and binding, the Tribunal of the Land League sits to



declare them void. And while the State has abandoned its peculiar duty of enforcing them, the midnight terrorism of the Land League enforces their repudiation.

If rents, ascertained in a manner sanctioned by the laws and usage of centuries, supported by every code of morals, and approved by the laws and practice of every civilized nation, can now be repudiated in Ireland with impunity, by a dishonest and corrupt conspiracy, of what possible use would it be for an Act of Parliament—a mere passing opinion of an hour or a year—to settle any other rents whether fixed or variable ?

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## CHAPTER IV.

### MANNER OF ASCERTAINING A "FAIR RENT."

Various Plans suggested, p. 49.—*Valuation by Valuers*, p. 50.—Would not be assented to, p. 50.—House Rents, p. 52.—If Rents fixed by Contract cannot be enforced, no other Rents could, p. 52.—*Valuation by Land Tribunal or County Court*, p. 52.—The Violence of Agitation would be transferred from the Landlord to the Valuation Tribunal or Government, p. 54.—Decisions of such Tribunals would have no Weight, and could not act with Freedom, p. 55.—*Valuation by a Jury or by Arbitrators*, p. 56.—Same objections, p. 56.—Subject to fear or sympathy, p. 56.—The Success of "Boycotting" proves that all Evidence as to Fair Rent would be unreliable, p. 57.

THE next consideration is the manner of ascertaining a fair rent. When once the natural and universal method of fixing the rent or price of land—viz., contract between the parties—is abandoned, there are, of course, numerous plans or substitutes suggested. One would make Griffith's Valuation the standard. Another would fix 25 per cent. over that amount. Another would subject the entire £20,000,000 of rental to the control of Government valuers. Another would compel the landlord and tenant themselves to appoint valuers. Another would let each case come before the County Court Judge upon the sworn testimony of the tenants of the townland or locality. Another would have a new Land Tribunal for the like purpose, before which all the farmers of the

parish could muster as witnesses, and if an unfortunate landlord or bailiff gave evidence on the other side, he would probably be unable to remain in the locality with safety.

The various circumstances that must enter into the calculation of what is a fair rent, have already been pointed out. Is the person who is to fix the rent to estimate the gross produce at what the land, by good farming, might produce? or at what, with bad farming, it may be then producing? Is he to reckon the cost of production at what might be necessary with good machinery, on a large farm, or at what is required upon a small farm? Is the tenant of five or ten acres, who, under the present system, is necessarily idle half the year, to be first remunerated out of the produce of the farm as if he were employed the whole year? Are all these various questions to be solved by the statute or by the valuator? If the latter, there will be as many different opinions as there are valutors.

*A valuation by valutors would be utterly misleading and uncertain.* No valuation could be made with greater care than that of Sir Richard Griffith, and yet it has been proved to be utterly fallacious. A few examples have already been given (*ante* p. 22), showing that, in many cases, that valuation was not one-third of the letting value.

If proof were wanting that no such valuation would ever be assented to by the tenants as satis-

factory, the proceedings during the present agitation, in all parts of Ireland, prove it beyond doubt. The course adopted by them has been this; where the lands were let at rents considerably over that valuation, to say they would only pay according to it; where the rents were at that amount or under it, to demand a reduction, no matter how much under the real value the letting might be. At the close of the year 1879, a memorial was sent to Lord Robert Montague from his Antrim tenants, claiming a reduction of rent, and in his reply of December 19th, 1879, he gives the following list of the rents and valuations of the farms of some of those who signed the memorial :—

No.	Rent.			Griffith's Valuation.		
	£	s.	d.	£	s.	d.
1	28	0	0	36	15	0
2	28	2	0	42	0	0
3	32	5	7	40	15	0
4	52	0	0	63	0	0
5	36	0	0	49	0	0
6	44	0	8	52	0	0
7	45	0	0	62	0	0
8	28	0	0	46	0	0

If this principle of legislative interference be sanctioned and admitted by Parliament, how can it be stopped at agricultural holdings? The

tenants of houses in towns would then have an unanswerable case for the same interference. Resolutions applying the principle to towns were passed in Limerick and Ballinasloe, and other large towns. Is the Government prepared to apply the principle to Birmingham and the manufacturing towns of Lancashire? Are they prepared to enact that, upon every depression of trade, all contracts for payment of house rent by the work-people shall be annulled? This would be a logical and necessary consequence of such ill-advised legislation.

The existing rents have been fixed by contract between the parties, and no other mode of ascertaining rent will ever have the same united support of legal, moral, social, political, and economic principles; so that if the Legislature, in a moment of weakness and folly, confess their inability to support such rents, they may prepare very soon to abandon all hope of maintaining any rents in Ireland.

Moreover, the multitude of disturbing elements already alluded to would render it impossible to have any uniformity among the valuers employed, and any fixing of rent upon such a valuation would only lead to a fresh agitation for a new valuation, and create a storm around the heads of the valuers and of the Chief Secretary, or Government that appointed them.

*Valuation by a Land Tribunal or the County Court*

*Judges.*—If the valuation was to be made by a Land Tribunal, they again could make it only by means of valuers, or upon evidence taken before them. The former mode would be no improvement upon the plan of valuers appointed by the Valuation Office. The latter would be surrounded by all the difficulties of ascertaining the rent by evidence before a County Court Judge, and would, moreover, be robbed of the prestige of a judicial decision. But how or when could such a tribunal or the County Court Judges fix the fair amount of rent to be paid? To settle the rental of all Ireland by evidence taken in court or before such a tribunal would be simply impossible. The notion is too ridiculous to be entertained. If, by Act of Parliament, such new tribunal or the County Court was to take cognizance of the matter only as soon as a dispute arose between landlord and tenant, then it should necessarily go further, and stay all proceedings in reference to the rent until the amount of the rent was so fixed. The immediate and necessary consequence of such an Act would be to necessitate immediate disputes from end to end of the country, to render every claim to rent uncertain, and thus strengthen and encourage every dishonest agitation against it, to throw discredit upon every existing rental of every estate, to annul every existing contract for the payment of rent, and cover every title to land with such a cloud of uncertainty as would destroy its

value in the market, and shake the security of every mortgage and family charge.

No legislation has as yet thus trenched upon the sacred right of contract ; but the mere suggestion of such measures, and the seeming approval of them by eminent politicians, has already borne its bitter fruit in the South and West of Ireland.

The definitions of a "fair rent" given by the Revolutionary members of Parliament returned by the Land League have been already mentioned (p. 4). Mr. Dillon, M.P., at Templecurry, on the 10th December, 1880, further said, alluding to the tenants on some farms which had been held at very much over Griffith's valuation—"Have not these people purchased twice over the fee-simple of their farms?" "The justice of the case would then be, that the tenant should never pay any more, and still the landlords would be their debtors! The day is at hand when rents will cease in Ireland for ever." The tenants, without waiting for any legislation, have generally taken the law into their own hands, and, acting upon the Revolutionary principles of shallow and reckless politicians, have treated the landlords as outside the pale of civilization, and persons with whom no faith was to be kept. Annulling all land contracts by force and violence, these tenants have been offering either no rent at all, or only such rents as the cupidity or dishonesty of each might suggest.

All this violence in reference to the rent is now levelled at the heads of the landlords, because the rent was fixed by them, although in every case there was a solemn contract, although in every case the tenant was a consenting party. How would matters be mended by transferring all this violence to the heads of the Government Valuator, or the Land Tribunal, or the County Court Judges, or the English Government? What possible weight could the decision of such tribunals in such a matter have, when there was no contract and no consent? A contract as to rent, like any other contract, is based upon the immutable principles of free will, mutual consent, good faith, honesty, and justice—principles by which the social fabric of civil society is held together.

A decision of such tribunals as these upon a matter of the kind would soon have no more weight than the ephemeral opinion of an uninterested bystander. To abandon contract for any such substitute would be leaving the solid rock of mutual consent for the shifting sands of the popular opinion of the hour, or the exigencies of political party. But this is supposing that such tribunals could possibly act with freedom. The rule of every court is, that the judge or the jury can only act upon the evidence sworn before them. How would it be possible, in any case, to obtain any evidence except on the side of the tenant? At the present moment in many districts no man,



however much it might be for his own interest, dares to take land which another has surrendered. Thousands of tenants, though perfectly able and willing to do so, dare not pay the rent which they honestly owe. Terrorism is now triumphant, even over contract, and law, and executive authority, in the matter of repudiating rents long fixed, and paid, and sanctioned. How easy would its perfect triumph be over voluntary witnesses coming to ascertain and fix the amount of a future rent.

It is plain and certain that any attempt to ascertain and settle rents by any such shallow devices would only give a legislative sanction to the present reign of terror, and would extend and perpetuate its influence.

*Valuation by a jury or by arbitrators.*—This plan of ascertaining a fair rent remains. All the objections to valuers hold good against arbitrators, and they or a jury would not be free agents. As was remarked in the House of Commons, there would be no more justice or reason in such a course than in asking a farmer to sell his cattle at a price to be fixed by a jury of butchers. If a County Court Judge, as already shown, is a bad tribunal, a jury would plainly be a thousand times worse.

If, as occurs every day, juries, from fear or sympathy, ignore the plainest and strongest evidence upon matters of fact, how could the smallest reliance be placed upon their decisions on matters of

opinion as to rent. No man is a fit judge in his own case, and a jury would necessarily consist, almost exclusively, of farmers, who would be fixing a scale of rent for themselves. If they were farmers, who knew nothing of a rotation of crops or improved husbandry, they would necessarily and certainly estimate the produce, and consequently the rent, according to the result of their own wretchedly bad farming. In hundreds of cases at the assizes in Ireland, for the last ten years, it has been proved beyond question that the jurors are taken from a class which entirely sympathises, not only with the claims of tenants, but with agrarian crime; so that sometimes a Crown Solicitor has to exercise his privilege of directing three-fourths of the entire jury panel to "stand by," and still a verdict of conviction frequently cannot be obtained, even upon the clearest proof by several witnesses. When, therefore, jurors upon their oaths cannot be trusted, in agrarian matters, for a finding upon the plainest matters of fact, would it not be the merest mockery of justice to entrust them with a finding upon a matter of opinion as to rent?

The position of jurors, and valuers, and arbitrators, and witnesses, in such cases, may be truly estimated by a moment's glance at what "Boycotting" has done. When the state of society in Ireland is such, that every member of a large community can be influenced (it matters not

whether by design, or sympathy, or fear) to almost starve a fellow-creature who is guilty of no crime, but only happens to be a receiver of rent; when the butcher, the grocer, the provision merchant refuse to take a man's money, and sell him food; when the salesmaster, the steamship company, the carpenter, the smith, the car-driver, the coachman, the domestic servant, and the farm-labourer refuse to take a man's money, and do for him the ordinary business of their trade or employment—all for no other reason than that an organized party in that locality think fit to assert that the rent which this man has been receiving, either for himself or others, for years, according to a settled contract, is now too high—what possible reliance, in such a matter of mere opinion, could be placed upon the action of any juror, or valuator, or arbitrator, or witness? Or what additional sanction or authority for the enforcing of rent could the wildest imagination suppose that any such methods of ascertaining it would ever supply or secure? The rent that is now called a grievance would then be called a robbery. The rent which is now resisted as the oppressive claim of an alien landlord class within the country, would then be resisted as the unjust taxation imposed by the tyrannical English conqueror and its Government and agents. And thus the spirit of nationality would unite with the spirit of cupidity; and the glory of national independence would

unite with the hope of being free from rent, and the struggle would be intensified to hasten the glorious day when the "*land would belong to the people of Ireland*," and they would be released from landlordism and from the Saxon together. Statesmen will do well to consider deeply what may be the result if such a fatal impulse be given to all the elements of disaffection now struggling for a separation of the two countries.

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## CHAPTER V.

### THE QUESTION TRIED BY THE PRINCIPLES OF POLITICAL ECONOMY.

The Laws of Supply and Demand, p. 61.—Full Rents and Strict Rules better for Tenants than Low Rents and Full Liberty, p. 62.—The Latter brings the Evils of Over-population, p. 63.—*The Right to sell in the dearest, and buy in the cheapest Market*, p. 64.—To have the largest Produce by high Farming, p. 66.—To have the most remunerative Produce, Meat and Butter, p. 66.—Small Occupiers are like the former Hand-loom Weavers, p. 67.—*The Landlord is entitled to have the Cost of Production reduced to a Minimum*, p. 68.—Conclusion to be drawn, p. 69.—*The past History of Tenure in Ireland confirms these Views*, p. 69.—Emigration Remedy, p. 70.—The Danger of Overpopulation still exists in some Districts, p. 71.—False Remedies would increase the Evil, p. 72.

THE settled principles of political economy require that rents should not be ascertained by any arbitrary method or otherwise than by agreement.

Having now shown how extremely difficult it would be, in such a complication of interests, to lay down any general rule for ascertaining what would be a "fair rent," whether such rent was to be a fixed or variable rent, and how still more difficult it would be to find any feasible plan for ascertaining such rent, let us see whether, according to the settled principles of political economy, any such arbitrary fixing of rent would be just to the landlords, permanently satisfactory to the tenants, or likely to prove beneficial to the nation; and whether it would not rather be fraught with

the utmost misery to the people and danger to the State.

*It is a well-settled principle that no trade, or business, or employment can long continue upon a secure basis unless the supply and demand can be made to fairly balance each other.* This they always do in the end, by the shifting of prices, unless violently interfered with. The universal admission is that, as to Irish land, the supply is limited and the demand vastly in excess ; every effort, therefore, to limit or fix the amount of rent would necessarily aggravate the evil on both sides. It would diminish the supply on the one side, and increase the demand on the other. The universal cry of the agitator is, "The exorbitant rents," "The continual raising of rents," "The land-grabbers," "The earth-hunger," "The gombeen men," "Every eviction is a sentence of death," and so forth ; but according to the laws of political economy all these should diminish the demand.

This is not the place to show that any rents that could be fairly condemned as excessive are not as a rule obtained from the farmers by the landlords, against whom this outcry is raised, but are obtained by these very farmers from their own sub-tenants. Every rise in rents tends, on the one hand, to bring into the market lands which the owners would otherwise retain in their own possession, and thus to increase the supply ; and on the other hand, to check the earth-hunger, diminish the demand, and

force many, who are foolishly craving for land, into other employments. While every check and limitation to the rise of rents (if in reality it were possible by Act of Parliament honestly to secure such check or limitation) would, unless in very exceptional cases, necessarily increase the profit to the tenant, and thus increase the demand for land.

Every experience in Ireland proves the soundness of these principles. Wherever on any estate moderate or even full rents have been strictly enforced, sub-letting and subdivision strictly prohibited, the tenants will be found in comfort and, until the late agitation, contented. Wherever, on the contrary, the tenants have had what is now demanded—practical fixity of tenure, low rents, total absence of estate rules, and full liberty to subdivide, they have become steeped in poverty. The province of Ulster, by reason of its trade and its peculiar system of tenant-right, stands upon an entirely different footing, for when poverty overtakes a farmer he has at once to quit. Every tenant in Ulster that fails has at once to sell, and is thus weeded out from the farming class, and goes into some remunerative employment. In the other provinces of Ireland, and particularly in the South and West, the good-nature and forbearance of a large proportion of the extensive landowners for a century past, in allowing their lands to continue at rents very much below what they could

well pay under reasonable farming, has led to much of the existing poverty and discontent. The number of ejectments in Ulster, notwithstanding tenant-right, will be found to have been always as great in proportion to the number of holdings as in any other part of Ireland.

At such low rents, many who were wholly unfitted to be farmers could still drag on a miserable existence, although not one-half of the productive power of their farms was called forth, and so they still clung to the land. Engaged in an employment in which they were their own masters, but for which they had not the requisite forethought, judgment, or skill, they kept themselves in misery, and at the same time impoverished the owners of the land. These owners, shrinking from a harsh interference with the habits of the people, and sometimes overlooking breaches of contract, disregarded the rules of political economy, and permitted the interminable subdivision of land, until the people swarmed upon it in numbers far beyond what it could bear with their system of farming. The whole produce of the land on many estates became insufficient to feed the people upon them, and there was nothing left for rent (see *ante* p. 26). The indulgence as to rent and subdivision, instead of producing comfort, as some shallow theorists would have it, produced over-population according to settled economic laws, until, on the occurrence of the bad seasons of 1846 and 1847, the



system reached its climax, and these economic laws then asserted again their resistless supremacy, and adjusted the balance by the wholesale depopulation of entire districts, accompanied with all the horrors of famine.

*Again, there is no rule of political economy more settled than that each man should be at liberty to sell in the dearest and buy in the cheapest market.* Not only the success of the individual, but the wealth of the nation, the development of its resources, and the remunerative employment of its people, depend upon the proper application of this principle. Well may the owner of Irish land, harassed by the continued attacks of shallow political doctrinaires, hunted down by a dishonest and communistic conspiracy of the occupiers of his land, and threatened with legislative confiscation of his property or coercion in its enjoyment, ask if he is to be the only one in the community who is to be shut out from the enjoyment of that liberty, and compelled, contrary to all justice and sound policy, to buy in the dearest and sell in the cheapest market. Is he to be compelled to continue his land for ever in the possession of those least capable of making it productive? Is he to be forced to apply to it the dearest and most unremunerative labour, that of the unskilful and half-employed small farmer, acting as his own master, and not bound to work? Are the landlords' rents to be

fixed according to the profits of such half-employed and unremunerative labour? This is a matter involving not only the just claims of the landlord, but the welfare of the whole nation. An increase in the produce of the land must increase the wealth of the nation; and, therefore, to perpetuate an unproductive system of cultivation and an unremunerative employment of the people must tend to impoverish the State.

Upon large farms, where useless fences can be levelled, a rotation of crops carried on, agricultural machinery used, and high farming adopted, the amount of produce may be twofold or threefold more than it is upon badly-tilled small farms (see *ante*, p. 8). The landowner and the State alike are interested in having the land so treated. This is the market to which, according to these principles, and according to natural justice, the land should be brought, or at least, in any estimate of what would be a fair rent of land, the produce of the land should be calculated as if it had been brought to such a market.

According to the same principles, the owner of the land is entitled to have his land employed in yielding the most remunerative produce. By the abolition of the Corn Laws in 1846, the prices of butter, fresh meat, and stock were increased out of all proportion more than the prices of corn. The former, from 1851 to 1876, increased 65 to 92 per cent.; the latter only 33 per cent. (see the

tables, pp. 81 and 15). The relative value of the produce of ground, judiciously employed in raising green crops and meat, may be twice or three times the value of the produce of same ground employed in raising corn after the fashion of badly-managed farms. It is therefore both useful to the nation and just to the landlord that land should be profitably employed, and that rent should be calculated according to the estimated fair produce under such profitable employment. One-half of all the holdings in Ireland—viz., 294,650—are under fifteen acres each, and therefore unsuited for a proper rotation of crops, for green cropping, or producing meat. Very few of the occupiers of these small holdings know anything of stall-feeding cattle or making meat, except the rearing of a pig. They seldom can make marketable butter, and they are hopelessly wedded to the old system.

Would it be just or wise to promote by special legislation the continuance of this system? or to assume that the fair produce of the land is only what results from such a course, and that a fair rent is only what could be paid under such a system? As well might the mill-owners and manufacturers of Lancashire, during the last century, have been compelled by Act of Parliament to continue the employment of the handloom weavers for ordinary weaving, and to pay them, not according to the price for which the

same work could be done by machinery, but according to the ordinary wages in other employments, although the produce of their unremunerative work might not be value for half their wages. The result in each case would be to stop all progress, unjustly to restrict the beneficial employment of the owner's property, to promote and continue the waste of the people's labour, and chain them to a system which perpetuates their own misery and impoverishes the nation.

*The landlord is entitled to have the cost of production reduced to a minimum.* As rent is the surplus profit, the cost of production must, as has been shown, be first deducted from the gross total; and whether the owner is a hirer-out of the land, or a partner with the tenant, he is entitled to have the cost of production reduced as far as possible. The cost, as we have shown, upon these small holdings, even without any fault of the tenant, must be the maximum; but this should not afford any justification for estimating the rent of such holdings, by deducting from the gross produce this maximum cost, and thus absorbing, perhaps, the entire margin of profit.

In thousands of instances, men with skill and capital, capable of making the land yield double its present produce, have been willing to give landowners largely increased rents. These men, able and willing to develop the resources of the country, are now hounded down as "land grab-

bers." The landowners have generally refused to disturb the old tenants, but this would not afford the semblance of a reason for restricting their liberty, by compelling them to reduce their rents in proportion to the present wilful waste of the productive powers of their land. If a "fair rent" were thus calculated upon sound economic principles, it would, in most cases, prove to be a much higher rent than what is now actually paid.

These arguments, as to "fair rent," drawn from the principles of political economy, have reference chiefly to these numerous small holdings which create the great legislative difficulty. The tenants of fifty acres and over can generally protect themselves. The problem requiring solution refers to the 294,650 holdings of fifteen acres and under, and to the 211,434 other holdings of over fifteen acres and under fifty acres each.

The conclusion, then, is clear that according to the laws of supply and demand, any arbitrary lowering of rents, or fixing of rents otherwise than by contract, would manifestly be unjust to the landlord, prejudicial to the tenants as a class, and injurious to the State. The great principle of allowing every man to buy in the cheapest and sell in the dearest market should be available for an owner of land as well as for any other man in the community; and, so long as he respects the legitimate and equitable rights of those now holding from him under subsisting contracts, he is, in

justice and in the interest of the State, entitled to have his land in the hands of suitable tenants with capital and skill ; and not in the hands of those who leave it only half productive. He is entitled to have it devoted to the production of the most remunerative crops, and cultivated with the least cost of production, and to have the "fair rent" estimated according to these several conditions. The highest interest of the State requires that these rights should be conceded.

It is clear also that any legislative interference with these rights would be unjust to the landlord, contrary to the settled principles of Political Economy, dangerous to the permanent comfort and prosperity of the tenants themselves as a class, and calculated to increase and perpetuate among them the very worst of existing evils—overcrowding, carelessness, want of enterprise, forethought, industry, and skill, and consequent poverty and discontent.

*The past history of the tenure of land in Ireland confirms this view.* A like disregard of these economic laws in the past prepared the way for the gigantic catastrophe of 1847 and 1848. The landlords of Ireland who, prior to that time, were the most indulgent to their tenants, both as to the lowness of their rents, the permanency of their occupation, the free right of sale, the absence of Estate Rules, the unbounded liberty for the occupiers to do as they wished, were just those whose estates were ruined. They became a lazar house of mendicancy and misery, and the people perished by thousands at the

first approach of the failure of the potato. Wherever the land was given upon the easiest terms the demand became the most excessive; subdivision ensued, and could not be checked; over-population continued and increased, until whole villages and districts became sunk in hopeless poverty and ruin.

This policy reached its climax prior to the famine of 1847, and the same results would again very quickly follow, if, notwithstanding that terrible warning, the State were now to interfere to put a limit upon rent, and secure power to the tenants upon overcrowded estates to follow their own misguided ways.

Any legislation which would induce or influence a large portion of those now living, or rather starving, on the land, to leave it for some other employment and some other field of industry, would have the most beneficial result, and the largest expenditure by Government in this way would be the best relief; but any legislation that, by reducing rents, or limiting rents, or giving more permanency in the Holding, or checking the control of landlords or agents in the preventing of subdivision, would render the occupation of the land an interest more to be coveted and sought after, would but increase the terrible "earth hunger;" would make land still more an object of competition; and would bring about again all the evils of over-crowding, and the danger of periodical famine with every bad harvest.

*This danger of overcrowding still exists in many districts.*

That this is not an imaginary, but a real danger, appears from the statistics. In 1878 there were still 51,221 holdings in Ireland containing under 1 acre each. and 66,359 holdings containing between 1 acre and 5 acres each, and of these there were respectively 7,635 and 14,798 in Connaught, where there is no other employment, except at the few fishing villages. Mr. Tuke, in his pamphlet of 1880, (written by no means in favour of the landlords), admits the evil of this subdivision. He says, (p. 91) "No one can doubt that the minute subdivision of land, without any other source of income to the holders of the small plots, is one of the greatest evils which surround the land question." He says that upon one estate of £20,000 a year in Donegal, the agent informed him that the average rents were not more than £5 per holding.

Thus the history of the dealings with land in Ireland shews that a disregard of those economic laws, which imperatively regulate every industry, has led to most of the existing evils of Land Tenure. Here are 117,580 families living upon as many holdings of not more than five acres each—a quantity admitted by all to be insufficient in its present state of cultivation, to support a family, even if held rent free, and yet with no other employment. This position,



disastrous to the occupiers, and dangerous to the State, and chiefly brought about by the disregard of the principles of political economy—is now intensified and brought home to the minds of all by the fact that upon the failure of the crops of 1879, the distribution of some half million of money was deemed necessary to keep the people from abject want. The proposed false remedies of Fair Rent and Fixity of Tenure instead of healing the disease would be certain, as already pointed out, according to the settled principles of political economy, to increase and perpetuate all the miseries and dangers attending it.

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## CHAPTER VI.

NO LEGISLATION CAN PREVENT THE INCREASE OF RENT IN SOME FORM OR OTHER, IF THE PRICES ADMIT OF AN INCREASE OF PROFITS.

Every incoming Tenant would have to pay the full Price, p. 73.—The present System of Tenure more calculated to check competition, p. 74.—Legislation would only confiscate the Property of the present Landlords for the existing Tenants, without benefit to any future Tenant, p. 75.—Statutes cannot check the Laws of Supply and demand, Usury Laws, Bribery Laws, p. 76.

So long as there are some men who have land but want money, and a great many other men who have money and want land, no legislative enactments can prevent these two classes coming together and the money of the one class finding its way into the pockets of the other class according to the law of supply and demand.

Shallow and ill-advised legislation may effect a temporary confiscation by destroying or limiting the power of the now existing landlords in obtaining increased rents from the present existing tenants; but upon every change of tenancy economic laws would again assert their resistless influence and the incoming tenant would have to pay the full price for his admission to the tenancy either in rent or purchase money according to the market value. Com-

petition instead of being checked would be increased, because the fruit of competition would be transferred from the present landlord class to a lower—a more sordid and unscrupulous class, who would stimulate it to the utmost.

This competition is at present restrained, under the existing system, upon very many estates, where landlords and agents have refused to let at auction rents, and by strict estate rules have kept a watch over and restraint upon unreasonable competition, as well as upon sub-letting, and have thus secured a large part of Ireland from the disasters which have again overtaken Donegal and the West. If this beneficial influence is now removed by law, no other means will be left for checking these evils.

In Ulster, wherever there is unlimited tenant-right the outgoing tenant admits the incoming tenant and obtains from him the highest possible price upon the sale of his tenant-right. This is proposed by some as the remedy to be applied to the rest of Ireland. Instead of limiting rents it would enormously increase them upon all incoming tenants. They would then all have the double burden, first a moderate rent to the landlord, and then another and often a larger rent by way of interest upon the sum paid for a purchase screwed up to the very top of the market. Wherever in Ulster there is a limited tenant-right, a son some estates, limited to 5, 10, or 15 years' rent; and wherever in the other Provinces no tenant-right exists, the landlord now very frequently by the

personal and constant supervision of himself or his agent does to some extent control the competition for land and limit the rent to be paid accordingly ; but no legislative enactment could limit it in the same way.

Any Act preventing such a rise of rent as was justified by an increase of prices would be a direct confiscation of the landlord's property so far as it benefited the existing tenants ; and instead of securing a fair rent for any subsequent tenant, it would have the direct and certain effect of increasing the price upon him, in rent and purchase money.

If it was settled that the rent could not be raised, if the power of the landlord was thus set aside, the outgoing tenant, in spite of all enactments, would find some means by which he would be able to sell to the incoming tenant the capitalized value of the difference between the existing rent and the market value of the land.

A case was reported a short time since on Lord Louth's estate, of a man who paid Lord Louth only £2 an acre and sub-let at £7 an acre, and then complained that his sub-tenant had swindled him because he had not paid him the £7 an acre in advance, and that he thereby lost Lord Louth's abatement. Such a case, instead of being an isolated case would be the rule under the proposed systems of Fixity of Tenure and Fair Rents, and no statutory prohibition could prevent it.

All experience proves the impossibility of prevent-

ing by any enactments the operation of these laws of supply and demand. Nothing could be more strict than the whole code of Usury Laws, passed to prevent a usurious rate of interest ; but however skilfully constructed, however amended and re-enacted they all failed. The lender had actually to part with his money, and was deprived of any legal power to recover any more than legal interest ; but still means were always found to evade the law. The Acts became useless and had to be repealed. Bribery at elections is not only immoral but has been rendered illegal, and the law visits it with serious penalties. The Ballot was introduced and it was alleged that bribery would cease as the person bribing could never tell whether he would receive any return for his bribe. Yet the irrepressible desires of mankind remained ; one had money and wanted votes, and the others had votes and wanted money, and so the late Bribery Commissions have proved beyond doubt that bribery at the last election was as general as ever. In one Borough 2000 voters out of 5000 confessed that they had received bribes. So it would be with any attempt by legislative enactments to fix or limit rents. It would utterly fail of its real object, while its principle of confiscation and cruel injustice not only to the landlords but to all persons hereafter wanting land, would remain, unalleviated by any semblance of public good.

## VII.—CONCLUSION.

- 1st. Rent is made up of so many and such complicated elements that no fixed Rules can be laid down if Contracts be abandoned, p. 77.
- 2nd. No Rents fixed by Statute would be free from repudiation and attack.—Whether fixed or variable, such Rents would invite fresh Agitation, p. 78.
- 3rd. Every Plan of ascertaining Rent would fail to command respect, p. 79.
- 4th. The Principles of Political Economy absolutely require that Rent should be fixed by Contract alone, p. 79.
- 5th. Immoral Agitation would be stimulated, and the evils of over-population increased, p. 80.
- 6th. The object of such Legislation would be frustrated, while its evil principle of confiscation would remain, p. 80.

Let us see then the conclusions which are to be drawn from this whole inquiry as to a “fair rent.” It has been shewn,

Firstly—That rent is made up of so many and ever-varying elements, and depending upon so many and such complicated applications of skill and capital to the land, that no fixed rules for ascertaining a fair rent could possibly be laid down by any legislative enactment, nor could any tribunal be appointed which could mete out justice, if the free-will of the parties, and free contract be abandoned. It has been shewn that rent depends upon the gross produce of the land, and that this depends entirely upon the character of the farming and the amount of skill and capital expended upon it; in fact upon the judgment and the means of the farmer who has obtained the occupation,—upon his raising remunerative or unremunerative crops—upon the ever varying prices of different commodities—upon the cost of production in payment of labour, whether by machinery upon

large farms, or by half employed hand labour on small farms ; that it depends upon whether a full amount of capital is employed, so as to render the raw material of the land fully productive ; or an insufficient amount of capital whereby the land is left half idle, like an unworked mine or unemployed machinery, so that a decision upon a fair rent would be a decision upon each and all of these complicated questions.

In addition to all these difficulties there would arise the further difficulty, wherever the Ulster Custom prevailed, viz. : how to apportion the net produce of the land, remaining after payment of the working expenses, between the landlord and the tenant ; between the interest payable to the tenant upon his capital invested in the purchase of the tenant-right, and the rent payable to the landlord for the use of his land.

Secondly—That even if the most perfect justice could be done in fixing a rent, no rent so fixed could be freed from a like systematic repudiation and attack as now prevails in Ireland. That on the contrary any such rents deprived as they would be of the solid basis of mutual assent would soon be found impossible to be maintained. That if such rents were now fixed, then, at the first fall of prices, the cry of unjust rents would again ring through the land with redoubled force, and, if variable, would invite a fresh agitation at every fall of prices, and give a legislative sanction to a future refusal of all rent until a corresponding reduction was made.

Thirdly.—That every means suggested for ascertaining a fair rent, whether by valuers, or arbitrators, or County Courts, or a Land Tribunal, or Juries, would utterly fail to command respect; that they, or the English Government, or the Legislature, would have alone to bear the full shock of the next Land Agitation, directed against rents unsupported by contract, and having no other sanction than the opinion of such Tribunals, or the force of arbitrary law.

Fourthly.—That according to the settled principles of political economy, rents should not be ascertained by any arbitrary method, or otherwise than by contract. That thus the universal laws of supply and demand would be left free to operate, and that any interference with them would necessarily bring misery to the occupier and injury to the State. That the landlord is entitled, according to every principle of justice, to sell in the dearest and buy in the cheapest market; to have his land employed in a skilful and remunerative course of husbandry, and not to be compelled either to leave it for ever in the hands of those who have neither skill nor capital to work it, or to reduce his rents to the level of such unproductive management. That he is entitled to have the land, which is the raw material in which his capital is invested, manufactured at the least cost of production, by machinery or otherwise, and not to be compelled to have it manufactured upon a system by which his entire profits might be absorbed in the waste of half employed labour. And lastly, that the highest interests of the State require that these just rights should be secured to him.



Fifthly.—That all the dangers of discontent and of immoral agitations would be stimulated by the premium of success bestowed upon them by such legislation ; while all the evils of subdivision and over-population, and the consequent misery and periodic famine would be promoted instead of abated.

Sixthly.—That the avowed object of the proposed changes, namely : to keep the present occupiers in possession at moderate rents, would be frustrated, while the naked skeleton of unjust confiscation would remain. That while any great margin of profit was left the statutes would be evaded, as the Usury Laws and Bribery Laws have been ; that the full value of the land would be given by every future tenant, either in rent or in purchase money, and while the landlord was robbed by the statute for the tenant of to-day, no future tenant would receive any benefit from it ; the land would be more costly to him than ever, and the State or the other classes in it would derive no advantage.

As to the effect in an Imperial point of view of such legislation tending to crush out the English influence in Ireland, and of concessions to the audacious violence of those who boldly avow that they desire to destroy that influence in order to separate the two countries, it is not the purpose of this pamphlet to inquire ; but it would be as well for English statesmen deeply to consider, and pause before it be too late.

TABLE.

## PRICES FROM 1830 TO 1880, AND THE AVERAGE INCREASES AND DECREASES IN 1880 COMPARED.

Average prices in various years and periods. *															Comparison of prices of 1880, with prices of various periods. Increase + or decrease — per cent.			
Average for years															1880, with 10 years to 1880.	1880, with 10 years to 1870.		
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Average for years																		

\* This Table is compiled from the List of Prices given in the Farmer's Gazette, November 1st, 1879, and Eason's Almanack for 1882, p. 162. In the percentage averages the prices of 1880 are compared with the previous years and periods, being less than the average the previous ten years.

TABLE.

PRICES OF CORN, BUTTER, AND MEAT FOR SEVERAL YEARS, FROM 1851 TO 1880 (PER 112 LBS.)  
WITH INCREASE PER CENT. ON EACH.

Produce.	* Average prices in Dublin Market.										Average prices in 24 Irish Towns.†				Increase in prices in Dublin Market.				Increase in 24 towns	
	Year 1851.		Year 1860.		Exceptional periods.		Year 1880.		7 years to 1880.†		1851.		1876.		1851 to 1860.		1851 to 1880.		7 years average to 1880 over 1851	
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
	1853-4-5.	1877-8-9.	1853-4-5.	1877-8-9.	1853-4-5.	1877-8-9.	1853-4-5.	1877-8-9.	1853-4-5.	1877-8-9.	1853-4-5.	1877-8-9.	1853-4-5.	1877-8-9.	1853-4-5.	1877-8-9.	1853-4-5.	1877-8-9.	1853-4-5.	1877-8-9.
112 lbs.																				
Wheat ...	8	0½	12	2	10	2	9	3	10	4½	7	10½	9	1	51.3	15.0	29.2	20.	24	1851
Oats ...	5	6½	8	8	8	11	7	6	8	2½	5	3	6	10	55.8	34.8	47.1	35.	1851	to
Barley ...	5	10	9	3	8	6	7	10	8	11½	5	7½	7	7	58.5	34.3	53.2	45.	1876.	
Flax ...	50	0	66	6	74	6	65	0	769	0	—	—	—	—	32.6	30.0	38.	—		
Butter ...	70	9½	88	6	88	2	110	0	118	6	61	11	119	3	25.	55.4	67.	70.5		
Beef ...	41	2½	65	0	54	10	65	0	75	5	38	3	67	6	57.7	57.7	83.2	71.		
Mutton ...	41	0	63	0	59	5	74	8	81	11	47	4½	69	0	53.6	82.1	100.	56.		
Pork ...	32	0	54	0	48	10	51	6	54	7	—	—	—	—	68.7	60.9	70.3	—		
§ Wool, per lb. ...	0	11½	1	7½	1	2½	1	3½	1	4	—	—	—	—	73.3	37.7	42.2	—		
Milch Cows ...	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	—	—	—	—	63.1	79.	112.1	—		
Two-year old ...	9	10	0	15	0	12	3	0	19	13	—	—	—	—	48.1	81.5	82.2	—		
One-year old ...	6	15	0	10	0	7	6	0	12	3	—	—	—	—	57.1	138.5	£125.7	—		
Lambs ...	3	10	0	5	10	0	4	4	0	7	16	0	8	7	50.	85.	90.	—		
	1	0	0	1	10	0	1	2	0	1	14	0	1	17	0	1	18	0		

\* Purdon's Almanack, Prices from *Gazette*.

† Thom's Almanack, 1881, p. 695.

‡ Thom's Almanack, 1878, p. 679.

§ Purdon's Almanack, annually.

## PART II.

# "FIXITY OF TENURE"?

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### CHAPTER I.

#### "FIXITY OF TENURE" IN CONNECTION WITH "FAIR RENT."

**Fixity of Tenure without Fair Rent, an Absurdity. Fair Rent should be left to Free Contract.** p. 81.—The Mode of fixing a Fair Rent as suggested by the Bessborough Commission, p. 84.—by Mr. Gladstone's Bill, p. 85.—Opinion of Judge Longfield, p. 89.—The argument of the Commissioners examined, p. 92.—John Le Touche letting at half the Rent offered, p. 93.—The Bill confiscates Property, p. 94.—Consequences, p. 95.

"Fixity of Tenure" without Fair Rent, to use the language of the Report of Lord Bessborough's Commission (paragraph 48), "is an absurdity;" or, as expressed by the O'Connor Don in the same Report (page 39), "Fixity of Tenure would be an absurdity without some control over rent raising." If a Landlord retained an unlimited power of raising the rent, he could of course destroy the Fixity of Tenure, by making the farm untenable at the rent imposed. Under the title "Fair Rents, the only test is Free Contract," it has been shown how impossible it would be to lay down any fixed rules for ascertaining a fair

rent, or to find any tribunal that could mete out justice, if the free will of the parties and free contract be abandoned ; and how vastly these difficulties would be increased where tenant-right exists, and where it would consequently be necessary, in ascertaining a fair rent, to apportion the surplus produce between the sum to be paid annually to the landlord on the one hand as rent, and the remuneration to be paid to the tenant on the other, to reimburse him for the large sum paid to the outgoing tenant for the purchase of the tenant-right.

The extreme folly and danger of these attempts at fixing Parliamentary rents in Ireland may be judged of by a letter from Mr. C. Raleigh Chichester, which appeared in the *Freeman*, the leading Catholic journal of Ireland, on the 7th of June, 1881. To anyone who did not know the people, it might appear as a mere joke. He says:—“The present definition of what is a fair rent, as promulgated by the Archbishop of Cashel and many others, is that it is *such a rent as a man can pay after providing for his family*. The weakness of this definition is, that it has no fixed point of departure, and the object of my suggestion is to give one, and to show how it may be worked.” . . . . After alluding then to the different sort of maintenance required for the son of a farmer rated a £400 a-year from that of a farmer rated at £4 a-year, the writer proceeds:—“Thus assuming

the normal rent to be that payable by a bachelor, there would *cease to be much difficulty in deciding what proportion of rent should be deducted on marriage, how much on the birth, to the tenant, of each successive child.* If Dr. Croke (the Archbishop aforesaid) will employ his great mind in drawing up a scale of the sort, *and in insuring its acceptance,* one of the main difficulties of the present moment will disappear. It is undoubted that human beings cannot safely be left to judge in their own cases." This seems the language of a pious Catholic, sincerely alarmed at the impulse likely to be given by this Bill to the most dangerous doctrines of socialism, and seeking refuge, as ever, in the actual subjection of the human mind to the dictates of the Roman Catholic Church; and so he concludes:—"Private interpretations of social duties is as unsafe a guide in such matters as the Catholic Church holds it to be in matters of faith."

While the pious Roman Catholic thus dreams of a solution by abject obedience to "the Church," the communistic rent-payers, who have, for the most part, during the year 1880, repudiated their contracts, and resisted all the power of the law, the police, and the military, to enforce any rents, point significantly to a swifter tribunal for ascertaining what they deem fair rents. Such is the flood of accumulated evil certain to be let in by the abandonment of contract as the mode of fixing rent, and departing from the ordinary law by

which it is enforced. It has already been shown, under the title "Fair Rents," that no legislative tribunal could justly fix rents, and that rents so fixed, deprived as they would be of the solid basis of contract, could not be maintained, but would invite and stimulate fresh agitations; that the economic laws of supply and demand, of buying in the cheapest and selling in the dearest market, and the settled principles of political economy, absolutely require that the contract as to rent should be left free; that any attempt to interfere with the natural operation of those laws, while working a manifest injustice to the landlord, would, so far as it had any effect, disorganise the business relations of land tenure, bring misery to the occupier and injury to the State; that all such attempts to regulate the rent of land by Act of Parliament would only reach the very honest and very conscientious, and would be evaded by all others; that the price of land would in the end, in spite of every State-made law, be regulated either directly or indirectly by the rise and fall of the market.

*Report of the Bessborough Commission.*—The methods of fixing a fair rent suggested by the Report are, that arbitrators should be appointed by the parties (sec. 51), and that there should be a "standing Committee of Arbitrators" (sec. 52). The Land Bill of Mr. Gladstone pro-

poses that the rent should be settled by the County Court Judges, or by the Land Tribunal of three to be created under the Bill, with the assistance, if necessary, of land valuers. The utter helplessness of such tribunals has been pointed out in Chapter IV. of "Fair Rents;" and, indeed, the events of 1880 show to demonstration, that if such arbitrators did not just do the bidding of the Tenant Farmers, they would soon be reduced to the position of Mr. Bence Jones and Mr. Boycott, who, by the turbulence of their tenants and workmen, have been driven as exiles from their homes, and compelled to abandon, at least for the present, the farms in which they had invested the savings of their lifetime.

*Mr. Gladstone's Bill.*—The strange proposals contained in this Bill, as read a second time in the House of Commons, and the scathing criticism to which it was subjected in the House and in the Press, as well as the various and contradictory interpretations given of Clause 7 by Mr. Gladstone and Mr. Forster and the Irish Attorney-General, show conclusively how hopeless it is to lay down any abstract rules upon the subject. The Clause in the Bill was as follows:—"Clause VII. 3, *A fair rent means such a rent as in the opinion of the Court, after hearing the parties, and considering all the circumstances of the case, holding, and district, a solvent tenant would under-*



*take to pay one year with another : Provided that the Court in fixing such rent shall have regard to the tenant's interest in the holding, and the tenant's interest shall be estimated in reference to the following considerations ; that is to say—*

*“(a) In case of a holding subject to the Ulster tenant-right custom, or to any usage corresponding therewith, with reference to said custom or usage :*

*“(b) In cases where there is no evidence of any such custom or usage, with reference to the scale of compensation for disturbance by this Act provided (except so far as any circumstance of the case shown in evidence may justify a variation therefrom), and to the right (if any) to compensation for improvements effected by the tenant or his predecessors in title.”*

On the 17th June, it was announced by Mr. Gladstone in the House of Commons that the Government had determined to part with the entire of this Clause, that is, practically to give up the attempt to settle the mode of fixing what is a “Fair Rent,” and to leave the matter to the Court. The Clause, upon the Third Reading of the Bill, was as follows:—*“The Court, after hearing the parties, and having regard to the interest of the landlord and tenant respectively, and considering the circumstances of the case, holding, and district, may determine what is such fair rent.”* These attempts, whether in the Bill or in the suggestions

\* Since the issue of the First Edition hereof the Act has been passed in this form, now clause 8, end of sub-sec. 1.

of the Report, are not a solution of the question, but a puerile evasion of it. While the tenant agitators are untruly crying out that "rents are exorbitant," that the poverty and misery are all caused by rack-renting; while the landlords say that rents on the whole are moderate, and are resting upon the solid basis of contract, property, and law; the Report suggests that the whole matter, without any intelligible guide or rule, should be thrown over upon arbitrators, whose arbitrary, and perhaps ill-informed Will, shall be substituted for the mutual agreement of the parties; and Mr. Gladstone's Bill leaves it to the decision of an assistant Commissioner or a Court, upon the evidence of tenants. So far from this being a settlement of any dispute between landlord and tenant, or a solution of any conflicting claims, or a statesmanlike remedy for alleged grievances, it will originate and suggest a thousand disputes, coupled with a weak and puerile abandonment of the functions of legislation. Instead of defining contracts or limiting rights, it will set up the subterfuge of a Court, or Courts, or Commission, to which all the difficulties are to be transferred. The principles of confiscation, which the authors of the measure desire to carry out, being too monstrous to secure the support of Parliament, or to bear the shock of public criticism if nakedly put forward, it is sought to do the work by the intervention of the Courts under the con-

trol of the Commissioners. These are to be made the depositories of an arbitrary and tyrannical power over the property of all the tenants and landlords in Ireland. They are to have an arbitrary power, unfettered by the semblance of any rule of equity or law, and in defiance of existing contracts, to declare what is to be a fair rent for fifteen years of all land now held from year to year. A Court, the creature of Parliament, subject to all the agitation of party politics, is being substituted for the landlord.

The words of Mr. Healy, M.P., the Secretary of Mr. Parnell, spoken at the Land League demonstration in the Phoenix Park, on July 24th, 1881, when the Bill was nearly through the Committee of the House, gave timely notice of the result that may be expected. They are these:—  
*"The people have made this Bill and this Court, and if the Bill and the Court give no satisfaction, the people could soon unmake them as it had made them."\**

The landlords of Ireland are to be compelled to embark the whole of their properties upon this troubled sea of political agitation, in the midst of the stormy waves of communism and socialism. The cables that bound them fast to the safe

\* The Act received the Royal assent August 22, 1881, and was at once denounced by all the Land League Leaders and some of the Catholic Bishops. Outrages continued, and the necessity for levying rent and taking possession only by the aid of large bodies of military and police continued as great as ever. See Appendix.

anchorage of contract, property, and law are to be cut, and their vessel sent adrift without the hope of any other safety, to await the future will of the wreckers.

*The opinion of the Right Hon. Judge Longfield.*—It is worth noting here the observations of Judge Longfield, whose leaning has always been in favour of the tenants as far as ever justice and prudence would allow. After twenty years' experience in the Landed Estates Court, he says, in the Papers of the Cobden Club, printed in 1870, "I have assumed that fixity of tenure is to be founded on a valuation, because I see no other mode in which it can be established. . . . But the settlement of rent by valuation appears just *only* to persons who do not know what a valuation of land is, and always must be." His lordship then says, with wisdom and truth, "When men are competent to make their own bargains, it is unjust to compel them to submit to the opinion of a third person;" and he repeats what he had written in 1865, that he "had said enough to show how utterly inadequate to the occasion is the cursory inspection that is made by a "professional valuator." He then gives some instances which had just come under his notice, as fair specimens of the discrepancies which are to be found in different valuations of the same property, as in the annexed Table.

TABLE OF VALUATIONS.

Estate of John Campbell Jones.	Griffith's or Tene- ment Valuation.	Valuation by a Civil Engineer.
Killiewingan ...	£57 0 0	£120 0 0
Do. No. 5 ...	2 5 0	8 10 0
Ratheline ...	8 0 0	29 17 7
Fox and Calf Island	3 0 0	40 0 0
Do. Lot 9	1 6 0	10 0 0
Do. Lot 10	1 4 0	8 4 3
<b>Estate of Rutledge.</b>		
C'roganore ...	17 10 0	53 1 7
Bullykelt ...	131 12 0	226 13 7

Facts such as these show how utterly futile would be the attempt to arrive at any certain or reliable valuation, by which either tenants or landlords could be bound against their will; and if a "fair rent" cannot be fixed, then, according to the Report of the Commission and to Mr. Gladstone, "Fixity of tenure is an absurdity." The injustice and mischief of such attempts to fix rents have been already pointed out.\* Judge Longfield says again, "The injustice of setting aside a voluntary contract, and substituting a valuation, is not manifest at first sight, for the words appear fair. . . . All future valuations would be still more uncer-

\* See "Fair Rents," Cap. IV.

tain, for as soon as the possession of land ceased to be a subject of contract by mutual agreement, *the valuator would have no average market value to refer to, and would form their estimates upon the wildest principles.*" This was the opinion in 1870 of the Judge who, for more than twenty years, had the supervision and control over the surveys, valuations, and sales of landed property, which, during the first ten years, down to 1859, brought £25,190,839 for some 4,413 estates, and since then over another million a-year for some 300 or 400 estates annually—an opinion given even before the wicked and dishonest agitation of 1879 and 1880. Writing, then, in 1870, with prophetic foresight he added, "It is highly probable that, in the excited state of feeling that would be raised by an alteration of the law, *no valuator would venture to express an opinion* of the value of the land that was not in accordance with the tenants' wishes;" and further, "I should not have thought it necessary to point out the *unreasonable injustice* of the claim made for fixity of tenure on a rent to be settled by valuator were it not for the mischief that is *caused by the expectations of the measure.*"

Little did Judge Longfield think, in 1870, that, within ten years after, a Bill, involving that very principle, would be carried through the House of Commons by the leaders of the very party to which he always belonged.

*The Argument of the Commissioners Examined.—*

The argument for "fixity of tenure," drawn from the facts as to rent, is one of the most strange ever submitted to an assembly of reasonable men. It is this: "It was unusual in Ireland to exact what in England would have been considered a full, a fair commercial rent. Such a rent over many of the larger estates . . . it has never been the custom to demand. The example has been largely followed, and is to the present day rather *the rule* than the exception."\* Therefore, as it is seriously argued by responsible Statesmen, the tenant from year to year has a substantial interest in his holding. If he holds a farm from year to year at £20 a-year, which is really worth £30 a-year, irrespective of any improvements made by him or his predecessors, the difference between these sums is the measure of his interest in the farm. Therefore, this interest should be secured by "fixity of tenure." Such is the shallow reasoning in support of this claim. The tenant may have been only one year, or he and his ancestors may have been fifty years in possession. It is all the same. He is in possession in the year of grace 1881, and therefore entitled to a *permanence of possession*. This permanence of possession, it is argued, becomes at once invested with all the incidents of "property." It is then the property of the tenant. Then Parliament is invoked, in high-

\* Report of Bessborough Commission, paragraph 9.

sounding phrases, to secure this "property of the tenant."

But the whole foundation of this superstructure is nothing more than the forbearance or generosity of the landlord.

The evidence of John La Touche, Esq., of Harristown, as conscientious a landlord as there is in Ireland, the owner of some £8,000 a-year in Kildare and some £1,500 in Leitrim, as taken before the Bessborough Commission, is but one example of much to the same effect, proved before that Commission. He says to question 928, "My agent was offered £80 on my estate in Leitrim for a farm of six acres—more than the fee-simple of the land. There was no lease—a tenancy-at-will and a small holding. One tenant offered another £80 for it. Of course, we stopped that." Again, to question 953, he says, "I was offered *double the rent* a few months ago, for a farm that I let at exactly one-half the rent I was offered for it. Suppose the tenant I let it to for one-half the market value, chose to sell what, under the Ulster tenant-right custom, would be his interest: then, because I was kind and indulgent, and let my land, not at the highest rent I could obtain for it, but at a moderate rent, the tenant takes advantage of that to make the difference his property."

"959. It was in Kildare."

"960. Ques.—Did you consider the man who offered you double the rent, had capital enough to work the place? A.—Oh, he had."



“961. It was not a large farm. It was all in grass, except a few acres.”

*The Bill Confiscates Property.*—The Bill proposes that these tenants who never had, nor brought any tenant-right, and never paid a farthing for the possession, shall be enabled to sell these farms “for the best price that can be got for the same,” subject to some unworkable conditions. It seems clear to demonstration that every penny by which the purchase-money is enhanced by Mr. LaTouche’s forbearance of rent, will be confiscated by the Bill, and will become the property of the tenant; and yet it is audaciously asserted that such landlords as Mr. LaTouche will lose nothing by the Bill. His tenants will be enabled, as soon as the Bill passes, to sell their interest—in the one case for £80 upon six acres, in the other, for at least twenty years’ rent, or for prices much higher, and yet it is asserted that the Bill transfers no property from the landlord to the tenant.

There may be a farm of 1,000 acres. The owner may desire to retire from business and resume possession of it. He may have a son whom he has brought up to agriculture expressly for the purpose of farming it. He may have even given the tenant a lease for 14 years, with the express object of resuming possession at that particular time; and yet, under this Bill, if the owner wants back the possession, he must either buy it from

his own tenant, or give him some £3,000 compensation for disturbance. And yet some, who would suppose it very strange, if it was thought that they had lost the character for truthfulness and honesty, have the hardihood to assert that no property would be taken from the landlords by this Bill.

The good landlord, wishing to have a happy and contented tenantry, has left his lands in the occupation of his tenants at an undervalue. As a *reward* for this, his right to resume the possession of his property is to be taken from him. So much of the landlord's property as he has left in the possession of the tenant unrented is to be confiscated without compensation, and declared to be the property of the tenant without purchase by him, and without a shadow of previous right in equity or in law. The loyalty and generosity of the landlord to his tenantry is to draw down upon him a Parliamentary forfeiture similar to the punishment inflicted in former times for open rebellion. While the turbulence and disloyalty of the tenant is to be rewarded by a free gift of property, in many cases equal to the fee-simple of the land.

*The Consequences.*—Can any rational man doubt that the necessary consequence of such a principle of legislation with every class must be this: with the landlords, to freeze up every current of generosity and forbearance, to awaken them to the

stern necessity of insisting upon their full rights: with the tenants, to whet their appetite for further plunder—to implant in their minds the notion that “because they occupy or till the soil the land is theirs, and that they are entitled to exclude and drive out all others”: and with those who are electors, to prepare them for a struggle upon the next opportunity for a further advance in communistic notions; for in this Bill, “the people” will see the concessions of only a small portion of what the principle of the Bill admits to be their rights: with the labourers and other classes, to teach them that discontent and agitation constitute a shorter road than honest labour to the acquisition of property—to teach them that industry and thrift, with a view to the purchase of land, is only folly, as the land may be confiscated by Parliament as soon as purchased—that property accumulated is insecure, and only holds out a temptation to plunder as in a state of savage society, and that, therefore, the only wisdom is to spend; to teach the agricultural labourers, that there is no longer any such thing as property in land, that the fields that have been watered and fertilized with the sweat of their brows, have now been robbed from the real owners, and transferred, without purchase and without a shadow of claim, to the farmers who for years have been grinding them down, and in many cases revelling in the profits of their toil—that this has been done while the

farmers monopolized the Parliamentary representation, and while the labourers have been as wholly unrepresented as the landlords who have been robbed—that a new and very promising career is opened to them, if only they can have a labourers' Irish representation to take the place of the farmers' representation, and do this “new justice” to the labourer, by stripping the farmer of his ill-gotten gains, and recognizing the rights of the real tillers of the soil.

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## PART II.—CHAPTER II.

### FIXITY OF TENURE AND ALLEGED WANT OF FREEDOM TO CONTRACT.

Not true that Tenants not Free to Contract at a Fair Rent, p. 98.—The Assertion of the Beaumont Commission, p. 100.—Tenant in possession has the advantage, p. 102.—The Commissioners' argument, p. 103.—Compensation under the Act of 1870, p. 105.—The analogy of borrowing Money, p. 109.—The fallacy shown by reference to Wages, p. 110.—The Cotton Famine p. 113.—Other articles, p. 113.—The denial of Free Contract is dishonest, and the proposed remedy absurd, p. 114.

*It is not true that tenants in Ireland are not free to contract for farms at a fair rent.*—This is one of the false and misleading assertions put forward as the excuse for novel and revolutionary proposals, which would destroy all freedom of contract about land. This is one of the reasons advanced for quelling the alarm necessary to arise at proposals for legislative interference with ordinary business. This is the salve provided for the commercial conscience of England, when it is called upon to sanction the Parliamentary annulling of solemn commercial engagements, in order to confer large benefits upon one of the parties to the contract by the plunder of the other. The truth is: a tenant from year to year may not be free to continue to hold land *at the same rent* as was settled thirty

years ago, now that the prices of agricultural produce have increased 50 or 80 per cent. in the meantime.\* A bad and unskilful and indolent farmer, who will not adopt any modern improvement in cultivation, and does not know how to grow remunerative crops, may not be free to hold or to take land at a rent which will enable him to leave it thus unproductive; but this does not prevent his being perfectly free to contract for what is really a *fair* rent. It must not be forgotten that farming is the most healthy, most noble, most independent, and therefore most coveted occupation among the humbler classes, and many with fair capital would be willing to take small profits and run great risks for the sake of its other enjoyments. Would it be just to exclude such men from the land, and secure a monopoly to the present occupiers? As to these, for whose sole benefit this legislative plunder is proposed, so far from their not being free to contract for a fair rent, their possession—the danger and difficulty of the landlord resuming the possession—all the circumstances give them as existing tenants an immense advantage in the bargain, not only over the landlord, but over all others who might wish for the farm. The truth is, that the Ribbon conspiracy in many districts, and the terror and violence of agitation, encouraged as it has been by English statesmen, have of late deprived the

\* See Tables in "Fair Rents," &c., pp. 14, 15, 16, and 81.

*landlord* of all freedom to contract, or freedom to resume possession of his land; and has deprived every other class of all freedom to become possessed of land. Freedom of contract on the occupying tenants' part is not "ideal," as unjustly stated in the Report. Contracts for land have of late years been influenced, as they ought to be, by the great increase of prices, as shown in Chapter II. of "Fair Rents," &c.,\* and by the increase of capital and skill among farmers and labourers who want land or want more land. These influences must and will continually bring a pressure upon those tenants who have neither skill nor capital, and yet hold the occupation of the land; and especially upon those who hold at an undervalue. The law that would suppress such influences would be a law for the suppression of industry, thrift, and skill, and for the maintenance and encouragement of indolence, carelessness, and ignorance.

*The assertion in the Report of the Bessborough Commission.*—The bold assertion of the Report (par. 48) is, that "freedom of contract in the case of the majority of Irish tenants, large and small, does not really exist." If what is meant by this statement is, that lands are now generally held in Ireland at rates so much under the marketable value, that the tenants are not free to resist the payment

\* See Tables, pp. 14, 15, 16, and 81.

of an increased rent, which would still be a fair rent after full allowance for the tenants' improvements, the assertion may be well founded. It may be quite true that the tenant to whom Mr. La Touche let at half the rent offered, is not free to continue at that rent against Mr. La Touche's wish ; but what possible reason is there, in justice or common honesty, that he *should* be free to do so ? There may be no freedom for a tenant to continue to hold at such under-rents, except by the permission and forbearance of the landlord. The truth that underlies these plausible assertions about want of freedom to contract is really this, that the Irish tenants in general have now so much the best of the bargain, that if they surrendered their farms they could not get as cheap elsewhere, but other men with skill and capital (if their lives were secure) would be ready at once to step into their places and pay higher rents. It really means only this, that there are men who know that their capital and skill if invested in farms at much higher rents than are now paid, would yield them much higher returns—in many cases fourfold higher returns—if tenants had only the landlord to deal with, than in other investments ; and, therefore, they naturally bid up the land. They would be quite sure of returns which they would gladly accept, considering the desirableness of the employment. Again, the same farm may be dear at £1 an acre to A, the present tenant, who



has neither skill nor capital, while it may be cheap at £2 an acre to B, who has skill and capital; and what the Report and the advocates of abolishing contract very ingeniously suggest is, that such tenants as A being in possession, are not free to contract with the landlord when he demands an increase of rent, though the rent might still be much under the market value.

*The tenant in possession has really all the advantage*, and is actually in a much better position, even without the benefit of the Act of 1870, to contract for the rent of his farm, than any other man in the community.

But when it is remembered that under the Act of 1870 the landlord cannot resume the possession without paying the utmost price for every building erected and every waste reclaimed, though it may have been forty years before, as well as for every agricultural improvement, and in addition to all this, a heavy compensation for disturbance, what becomes of this false and ludicrous fiction of the tenant in possession not being free to contract? It is in truth the landlord that is not free to contract with him. To every other man the landlord may say, If you do not give the price, I keep my land. To A, the man in possession, he cannot say this, but must in the end practically take what he can get.

*The Argument of the Bessborough Commission.—*

The Commissioners base their denial of freedom of contract upon this (page 48), "that any ejected farming tenant in Ireland has nothing to turn to, except the chance of purchasing another holding, the offers of which are limited, and the prices high;" and Mr. Gladstone says the tenant "must agree to the increase, or he would lose his means of livelihood."\* In this respect he would be in no worse position than those who have no farms, and not sufficient means of livelihood; but, on the contrary, he would be in a much better position, because he can put the landlord to inconvenience, which he would not be slow to do. He is in a better position than the thousands of labourers and small farmers who have skill and capital, and eagerly desire the land which he has monopolized through the indulgence of the landlord. The truth is, that many covet the farm which he is monopolizing, and if he surrendered, the farm (if there were any law in the country) would not be left idle, but would be applied for by several others, at a much higher rent. This is the pretended grievance out of which the alleged want of freedom to contract is manufactured.

Is the whole force of the Legislature, therefore, to be invoked to continue his profitless occupation, at a rent much under the marketable value; to repel and drive away from the land the skill and

\* Mr. Gladstone's Speech.

capital and industry of others, who now want the farm, and would pay for it; to deprive the landlord of the common ordinary right of contracting for the letting of his land; to minimize his rent down to a figure that will balance the hopeless failure of a thriftless tenant; to continue the land in its half-cultivated and unproductive state; thus robbing the landlord of his just rights, and injuring the whole community, both by the loss to the individual, and by the contagious influence of evil example. This would be the necessary result of his fixity of tenure.

The real meaning, then, of a tenant "not being free to contract," is that he is not free to get as good and as cheap a farm elsewhere; and upon this extraordinary principle, the lower the rent payable by the tenant, the greater would be the competition for it, the less free would the tenant be, and therefore the less right would the landlord have to increase the rent.

Judge Longfield, in the same paper in 1870, treats this argument based upon the "tenant not being free to contract" as hardly worth notice. He says, "The argument never had any bearing on the case of those tenants who hold the greatest part of Ireland, who have capitals of two or three hundred pounds, and who are farmers, not from necessity, but from choice." Why should such reasoning for a moment be listened to with regard to the 88,578 tenants holding over 50 acres each,

or at least to such of them as hold arable land to to that amount, or with regard to the 135,392\* tenants holding under lease?

*Fixity of Tenure based upon the Compensation of Disturbance given by the Act of 1870, as this was based upon the alleged want of Freedom to Contract.*—This alleged want of freedom to contract was made the excuse for granting compensation for disturbance in the Act of 1870. Now the gift of this compensation has been most speciously, but most unjustly, pressed a stage further. It has been perverted into a supposed admission of a claim to tenant-right in the other three provinces similar to that in Ulster. Mr. Gladstone, on the 16th of May, 1881, speaking of the compensation for disturbance under the Act of 1870, said, "These words are important and operative words under the Land Act of 1870;" and speaking of holdings not in Ulster, he said, "Well, the effect of that Act was that it constituted tenant-right. . . . We distinctly maintain that there is a legitimate basis of tenant-right over and above the improvements." This is a complete perversion of the whole case. Compensation for disturbance was conceded in the Act of 1870, not as a right, or as anything to which the tenant had any legal or just claim, but, on the one side, as a

\* Parliamentary Return, 1870, No. 32.

concession to indigence, and on the other, as a hindrance to harsh or arbitrary eviction of tenants who were destitute of the means of living. It was therefore restricted within such limits as directly pointed to the intention of the Act. The scale was fixed by section 3. The compensation allowed was seven years' rent when the rent was £10 or under. Only five years' when the rent was between £10 and £30. Four years' when the rent was between £30 and £50. Three years' when the rent was between £40 and £50. Two years' when the rent was between £50 and £100; and when the rent was above £100 a-year one year's rent, but in no case could more than £250 be given.\* These limitations, increasing the amount of compensation for the smaller tenancies, clearly point out that no principle was intended to be admitted except that of concession to indigence. How otherwise could so marked a difference be made between one tenant and another, that one was to be compensated by seven years' and another by only one year's rent. This being so, there does not appear to be the least justification for the enormous increase in the scale proposed in Mr. Gladstone's Bill, viz., that the seven years' rent may be given when the rent is £30 or under; five years' rent when it is £50 or under; four years' rent when it is £100 or under; and three years' rent no matter what the extent of the farm

\* See Estimate of total amount, £20,000,000, *post* p. 134.

(Clause 5).\* Even if this principle had been conceded as a matter of right or justice by the Act of 1870, it was not conceded to wealthy independent tenants holding, it may be, at a rent of over £200 a-year, those whom Judge Longfield marks out as "men who have two or three hundred pounds, and who are farmers, not from necessity, but from choice." This is an entirely new class. Why should they be now secured in possession contrary to their contract, to the exclusion of all other persons of a like class, with capital and skill, who would be willing to take their farms if they surrendered? There are 32,605 farms of over 100 acres each, why should the tenants of these farms—farmers from choice—be at liberty, if they wish to quit farming, not only to be compensated for all improvements, but also to sell to the highest bidder? or if the landlord wants the possession after their tenancies have ended according to their contracts, why should he be compelled to pay them three years' rent each before getting possession? What possible ground is there for making a Parliamentary gift of three years' rent, in case of disturbance, to the 8,191 tenants holding between 200 and 500 acres each, or to the 1,552 tenants holding over 500 acres each? This is a possible gift of eight and a-half

\* The last clause was altered in the Committee of the Commons, by limiting it to cases where the rent did not exceed £300, and fixing the scale at two years' rent, when the rent was £500 or under, and at one year's rent when it was above £500.

[The Act passed with this Amendment, now clause 6.]

millions sterling to the former, and of three millions to the latter, making *eleven and a-half millions* for disturbance that may be transferred, without compensation, from the pockets of the landlords to the pockets of the tenants? In principle the whole proceeding is wrong, and in practice it must certainly prove demoralising and injurious to the tenants as a class, and detrimental to the State.

The Commissioners in their Report unconsciously admit that this alleged want of freedom on the part of the tenant to contract is a mere pretence. They admit that, even if it did exist, it has not been generally used by the landlords to raise rents unreasonably, and has not, except in a very few instances, prevented the tenants from obtaining fair terms. This follows from what has been already quoted from their Report, "that in Ireland it has been unusual to exact what in England would have been considered a full or fair commercial rent." Again, in paragraph 34, they say, "It is necessary at once to negative the idea that it (a fair rent) means what in England is known as a full or fair commercial rent, but in Ireland as a rack-rent." Thus this alleged want of freedom to contract on the tenant's part, when brought to the test of actual fact, is found to have had no real existence. Instead of it being so general and widespread as to justify a violent interference with the settled laws of political economy, or a confiscation of the rights of property,

it is admitted to have had so little influence upon the letting of land, that rents in Ireland are generally under the marketable or commercial rent ; that tenants in Ireland have had so much the best of the bargain, that what in England would be looked on as " a fair commercial rent," would in Ireland be considered as an exorbitant rent or a " rack-rent," the term used as an execration upon every Land League platform.

*The Analogy of Borrowing Money Applies.*—The hirer of land is in the same position as the borrower of money. If money becomes scarce, and the mortgagee wants a higher rate of interest, the borrower, like the tenant, would not be any more free to contract, because he could not get the money elsewhere at the same interest. Is the borrower to be empowered by Act of Parliament to retain the money for successive terms of fifteen years? The passing of this Bill would give the landlords of Ireland who have borrowed money upon their estates a tenfold greater claim for Parliamentary interference upon their behalf, as against their mortgagees, than any claims of the tenants for permanency of tenure. Parliament will have greatly depreciated the security, and alarmed the mortgagee. If the money is called in, the owner is powerless, for no one will lend money upon the security which Parliament itself has depreciated. Is Parliament ready to undo the wrong by giving the owner a " permanence " of the loan for fifteen



years? This principle of legislative confiscation, based upon a supposed want of freedom to contract, whenever the "commodity is scarce and prices high," may find, at this moment, an ample and urgently pressing field for its exercise, in an interference between the mortgagees of Irish land and the owners who are about to be sacrificed by this Bill, as well as in the restraining of the "gombeen men" and "money-lenders," who have the whole country swamped with small loans to tenants at from 20 to 40 per cent. per annum. The interest given to small tenants in their yearly holdings by the compensation clauses of the Act of 1870 enormously encouraged borrowing and shopkeepers' credit? With a large proportion of these tenants, that interest is already mortgaged far beyond its value for loans at from 20 to 40 per cent., and pledged for useless extravagance to shopkeepers, who are often money-lenders also. Is the tenant to be left free to contract with the money-lender for loans at 40 per cent., but not with his landlord for a reasonable rent? This is the burden that in most cases is dragging the tenant down, and legislative interference to restrict the rent would, in very many cases, be a transfer of the landlord's property, not even to the tenant, but to the money-lender to secure his 40 per cent.

*The Case of Wages.*—Apply this to a question of wages, and its absurdity will be still more

\* See *post* Part II., Cap. III., sec. 4th.

apparent. If wages in a locality are higher than elsewhere, and the employer wants to reduce them, how absurd it would be to say that the workman was not "free to contract," because he could not get as good wages elsewhere, and employment was difficult to be had; or on the other side, if labour is scarce and workmen strike for higher wages, how unreasonable it would be to prevent the labourer having the benefit of the rise in the labour market. How could Parliament, with the least semblance of justice, on the one side compel the employer to continue the employment at the same wages, no matter how unprofitably the men might work? or on the other, restrict the rate of wages, or cut down the price of labour below what it would bring in the market? If a man is to be held not free to contract, and therefore entitled to the special protection of Parliament whenever he cannot get anything as cheap as he has had it, where would the principle end?

Again, if an alleged want of freedom to contract is to give a title to fixity of tenure, what limit can be assigned to the principle? When the work-people in the mills and factories of Lancashire find labour scarce, and no means of livelihood if turned out of employment, are they to be given fixity of tenure in the mills and factories? Are the workers in coal-pits and mines to have fixity of tenure, or of their employment in them, whenever they afford the only means of living available to them. The

arguments are as applicable to one case as to the other. Is every foreman, and manager, and clerk to have fixity of tenure of his office? There is practically no limit to the principle, if the class become numerous enough, and dishonest enough, and violent enough, to force their demands upon a time-serving minister.\*

There is an ingenious deception in calling the land movement "a strike *against* rent," as if it were similar to a "strike *for* wages." The two cases are as opposite as they can be. In the latter, the workman keeps what is undoubtedly his own—the exertions of his bone and sinew, and refuses to hire them out except upon his own terms, as he may fairly do. In the former, the tenant keeps the land, which is not his, and refuses to pay the stipulated price. The workman upholds and relies upon his freedom to contract, and refuses to contract for his labour except upon his own terms; the tenant, on the contrary, insists upon breaking the contract which he has already entered into, and not simply by putting an end to it, and leaving each party again free, but, with gross dishonesty, by keeping what he has got by it—the land—and refusing to perform his part of it—the payment of the rent.

"A *landlord's* strike *for* rent" is what would be like a "workman's strike *for* wages." If landlords combined against hiring out their land except at a certain price, this would be like workmen

\* See *post*, p. 163.

combining against hiring out their labour except at certain wages. A tenant's combination *against* rent would more truly find its counterpart in a combination of labourers against doing work which they had contracted to do, and for which they had already been paid in advance ; a dishonest strike which would be quite in their power, if they had got paid beforehand, in the same way as the tenant gets the produce of the land before he is called on to pay the rent of it. Such a proceeding has never been attempted in England or any other country.

*During the Cotton Famine* thousands became bankrupt, because cotton was so dear that they could not procure it. Were they then not free to contract, or should Parliament have compelled sales at lower prices to be fixed by valuation? So with the iron-masters during the depression of the iron trade. During the late long depression of trade, hundreds of thousands were out of employment, and on the brink of actual starvation, but the far-fetched notion never occurred to anyone to allege that for that reason they were *not free to contract* for their bread or meat, or the rent of their lodgings.

*As to other Articles of Commerce or Trade.*—It might as well be said, that in every fair and market when corn or cattle are dear, in every

shop when food or clothing is dear, in every counting-house, exchange, and bank when money is dear, the buyers are not free to contract, because they must pay the market price, or do without what they require. There would be just as little ground for Parliament interfering to secure any of these articles for a few favoured intending purchasers, as to interfere on behalf of a few favoured occupiers of land, to secure to them at an undervalue what thousands desire as much as they do, and are able and willing to pay for. Where is the magic in agricultural or pastoral employment that it should be dealt with differently from every other in the world? The mischief of such legislative interference should be calculated by the force of its evil example to choke the springs of human industry, disorganize all the relations of commercial life and of agricultural business, and shake the very foundations of society.

*The Claim is conceived in Dishonesty and Cupidity.*—This claim for Parliamentary interference on the ground that the tenant is “not free to contract” is shown to be devoid of all common honesty by the fact, that the same people, in the same breath, demand that, as soon as the present occupiers are made the owners of this very scarce article, land, at a limited Parliamentary price, they shall have liberty to dispose of it by free sale

at the highest auction price. The whole argument is absurd as well as dishonest. It is this: land is limited in quantity, and the demand excessive—therefore, the present occupiers who already have possession are not free to contract, and are liable to have their rents raised on account of the pressure from without of an excessive demand for land among the other classes who have no land—therefore, say the Reformers, give the present occupiers protection against a rise of rent, by fixing a Parliamentary limit to all their rents; that is, legislate against every other class except the occupiers—against the landlords, to shut them out from the fair benefit of the rise of the market, against all others to prevent them dealing with the landlords on fair terms. But as soon as the ownership has been transferred to the occupiers, then, at once, let all be changed—then let the occupier have the full benefit of the market, and sell at the highest price—then, though the demand will be necessarily rendered much more excessive, let want of freedom of contract never be thought of when one who is not an occupier comes to buy a tenancy from one who is.

The inconsistency and dishonesty of the whole proceeding is too apparent. The tenant who to-day is to be treated as an imbecile, and protected against his contracts with the landlord as to rent, is to-morrow to be elevated into the independent position of an owner of property, with liberty to

sell it and to force the last farthing of purchase-money, from the incoming tenant, who is ten-fold less free to contract than he is. And unhappily for the political morality of statesmen and members of Parliament, the only real claim (?) of the existing tenants, after their improvements have been paid for, is that they have votes, and have therefore exercised their power in Parliament to monopolise the land to the injury of every other class.

If the principle is assented to, it cannot and will not stop at the land. There must be fixity of tenure for dwelling-houses, houses of business whose value is increased by the tenant. Take that large and increasing class of houses, those held by workmen from their employers; fixity of tenure for the hiring of dairy cows, for the hiring of furniture, for hiring and loans of money, for loans of horses and carriages. Fixity of tenure for every class who can get possession of the property of another class, and who happen to be numerous enough to keep it by force. Fixity of tenure under all circumstances, and especially fixity of tenure when the article becomes more scarce, and therefore more valuable to the owner. According to this new principle of political ethics, the more scarce and limited in quantity the article becomes, the stronger is the argument for taking it from the owner, and giving it for a very long period or for ever to the tenant or hirer to whom he happened to have lent it before the year of grace 1881.

## CHAPTER III.

### THE ORIGIN AND NATURE OF THE DEMAND FOR FIXITY OF TENURE. ITS ECONOMIC CAUSES.

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THE origin and nature of this demand for fixity of tenure should be fully considered and properly



understood by any who would fairly determine whether the demand is just and reasonable in itself? whether its being conceded is likely to prove beneficial to the State and conducive to public order and tranquillity or even beneficial to tenant farmers as a class!

1st. *The Origin of the Claim.*

Its origin is partly political and partly social and selfish. The political aspect may be taken first.

(a) *Its Political Origin.*

***Fixity of tenure*** "as affected by the ***Parliamentary Franchise***."—Prior to the year 1850, the franchise in counties was enjoyed only by those who had freeholds or had leases, or were rent-chargers. But the great body of the county electors outside of Ulster differed in politics and religion from their landlords, and leases were therefore seldom given. It was found also that upon the numerous small holdings a lease was entirely a one-sided bargain,\* from which the tenant, as soon as he became in difficulties, was rendered free by his poverty, and leases were therefore refused. Many tenants in a better position felt aggrieved by this refusal of leases, and all the elements of religious and political animosity were then stirred up,

\* See number of holdings given at pp. 50, 51.

with the cry that the refusal of a lease was the refusal of the franchise. The cry of the "landlord confiscating improvements" was then but little heard, because, in fact, there was seldom any such confiscation. In Ulster the improvements were pretty well secured by the sale of the tenant-right, and in the other provinces there were very few tenants' improvements to confiscate; and where improvements were made by tenants, landlords were generally too glad to encourage their being made, and to secure the enjoyment of them.

In a general way security of tenure and a legal recognition of the tenant-right were looked for. The priests and politicians, of course, kept up the cry that the "refusal of a lease was an unjust denial of the franchise." But as for the tenants themselves, those who had leases were safe during the continuance of the lease, and those who had not, were not brought into political antagonism with their landlords at elections; and in many cases were glad of it, and also deemed themselves fortunate, after the experience of the previous famine years, not to be bound to any certain term or certain rent.

In 1850 the Parliamentary franchise was given for the first time to "rated occupiers,"\* to tenants holding from year to year under a valuation of £12 in counties, and to inhabitants of boroughs whose

\* 13, 14 Vic., c. 69.

houses were valued at £8. This, instead of allaying the animosity between landlord and tenant, greatly increased it. The whole body of tenants from year to year became invested with a political power which at almost every election was brought very generally into the bitterest antagonism with their landlords, wholly irrespective of the relations arising out of their tenure. The number of county electors in the year 1848 was 59,309.\* The number in 1857 was 149,384.† There were nearly 100,000 newly enfranchised tenants for the most part opposed to their landlords in politics, and yet holding from these same landlords upon the precarious tenure of a tenancy from year to year. These are the elements of antagonism which at once, to a large extent, account for the relations of landlord and tenant becoming daily more hostile, and more and more strained.

Whenever the landlord and tenants happened to be of opposite political opinions, which was the rule and not the exception, the tenants were too often assailed by the violence of the mob and the threatened anathemas of the altar on the one side, and threatened by the displeasure of the landlord and the fear of eviction on the other. There were hotly contested elections in 1852, 1857, and 1868. At all of them these influences still

\* House of Commons Paper, 691 of 1848.

† Thom's Directory, 1857.

more embittered the relations of landlord and tenant, and gave a fresh and ever-increasing influence to the cry for "security of tenure." Along with this there were other influences still more powerful at work.

*Fixity of Tenure and the Irish National Movements.*—During the great Repeal movement in 1843, the tenant from year to year felt the restraining influence of the landlords, as they were nearly all opposed to it. In the Young Ireland movement of 1848, the country farmers, under the same influence, for the most part held aloof. In the Fenian movement of 1867, the tenants dared not openly join. In the Ribbon conspiracy, which chiefly concerned the land itself, the most stringent laws are enacted against those who would disclose its members to the landlord. In each and all of these conspiracies and confederacies against social order, the peace of society, and the English connection, the landlord has been found the great restraining power, and principally because the tenant had not fixity of tenure. Thus while the landlord, whether Conservative, Radical, or Whig, by the power of eviction which he possessed over his tenants from year to year, exercised a great restraining influence over all these organizations, the Conservative landlords, who were by far the most numerous, greatly stood in the way of English Whig and Radical parties in their appeals to Irish

constituencies. To all these parties alike, the Irish landlord was an impediment, and the secret of his power was the tenants' want of fixity of tenure. All were, therefore, alike interested in hunting down the Irish landlord. It was easy to attack him as an oppressor, and the cry of want of fixity of tenure came to the surface as natural and convenient. Home Rule was in the like manner checked, and tied, and bound. Its principles could only flourish in the three southern provinces. These are entirely agricultural; and every appeal to farmers there fell powerless, because, as they expressed it, the withering blight of landlord influence checked its growth.

Mr. Butt, Q.C., the father of Home Rule, perceived this, and applied his giant talents to undermine and to destroy the landlord influence, as a preliminary step necessary to the overthrow of existing institutions and the English power in the home government of Ireland. He wrote, he spoke, he appealed to the passions and prejudices and hopes of the people.\* He manufactured every tenant's misrepresentation into a State grievance, and the sage and significant conclusion was arrived at—"something must be done." Shallow English statesmen believed that the Land Act of 1870 would have redressed all grievances; and so it would, if honest dealing and perfect secu-

\* See "The Irish People and the Irish Land," by Isaac Butt, Q.C.

riety between landlord and tenant were the real objects aimed at. They even set aside the principles of political economy and of abstract justice, and threw in the sop of compensation for disturbance.

Every fair claim of the tenant against the landlord and every necessary security for tenant's improvements were secured by the Act of 1870; and in 1872 the secrecy of the ballot at last put an end to every suggestion of landlord oppression arising out of the exercise of the franchise. Still, all but helped to fan the flame of agitation. The cry and demand for security of tenure, which had been nursed by so many political causes, and had then taken hold so largely upon the minds of the people, was too valuable a weapon to let rust.

*In its several changes* it has thus been urged for many years as a demand for a lease in order to confer the franchise. When the franchise was given without the lease, it was demanded with more reason and with redoubled force, in order to secure the tenant in the exercise of his franchise, unbiassed by any influence from the landlord. The power of the priest and "the people" were the only political influences that were recognised.

Under the Act of 1870 although the tenant could not keep the possession, he could not be removed without being fully compensated.

Under the Ballot Act of 1872, the unfettered will of the tenants showed itself at the elections of 1874 and 1880, not in any appreciation of the

benefits conferred, but in a fiercer stride towards their revolutionary designs. First fifty Home Rule members, and next sixty-five Land League and Home Rule members were returned to the House of Commons. "Fixity of tenure" assumed a political aspect far beyond anything arising out of the relation of landlord and tenant. It then began to be demanded in the form, "Landlordism should be abolished," and "the soil of Ireland given to the people of Ireland"—a term which has the charm of expressing at once the aspiration of the social democrat, that "the soil should belong to him who tills it," and that of the Irish Nationalist, that "the Irish tenant should drive out the Saxon landlord." It had a still more practical effect in forming a bond of union between the budding Republicanism of England, and the National Radicalism of Ireland. These circumstances are quite sufficient to account for the very sudden and violent land agitation in 1880, without seeking for its cause in anything really wrong in the relation of landlord and tenant. The further political aspect and aim of these demands must be reserved for another place. Sufficient has been said to show that, apart from any harsh or improper exercise of the landlord power under existing land laws, or any inherent vice of these laws—apart from any injustice or hardship generally inflicted upon tenants as such, some of the worst political influences in Ireland have continually nursed and fostered this demand for "fixity

of tenure." The Statesman, therefore, who legislates for fixity of tenure in Ireland, regardless of the ulterior aims and objects, and regardless of the power and influence it may give to the promoters of them, will commit a grievous blunder, and cause irreparable mischief.

(b) *The Origin of the Claim for Fixity of Tenure as based upon social and selfish causes.*

In this respect it appears to have grown up out of the Ulster custom of "*tenant-right*." The demand for it was first encouraged by impolitic legislation, and has lately been pushed to extremes by the communistic violence of interested agitators. As the forcing of such a tenure upon the owners of property would plainly be contrary to economic principles, it will be well to consider whether the demand for it arises from any really existing grievance, or whether the prevailing discontent is based upon any real injustice.

*Its Origin from Tenant-Right.*—The Ulster custom was defined in the Report of the Devon Commission, after abundant evidence had been given upon the subject, as "a claim generally exercised by the tenant to dispose of his holding for a valuable consideration." Since the Land Act of 1870, it is usually described, for the purposes of litigation, in the following form, as mentioned in the Report of the Bessborough Commission (par. 8): "A usage whereby the tenant in



occupation is entitled to sell his interest, commonly known as his tenant-right, in his holding, subject to the rent at which it is held, or such altered rent as shall not encroach upon said interest or tenant-right, at the best rate, to a solvent tenant, to whom the landlord shall not make a reasonable objection." This custom, existing upon nearly all the estates in Ulster, and upon some ten or fifteen estates in the other three provinces, has naturally affected the tenure of land and the notions about it in all parts of Ireland.\*

When the occupiers under tenancies from year to year in one province had generally the privilege of selling their occupation, and receiving sums equal to 10, 20, or 30, or even 40 years' rent, upon such sales, often irrespective of any improvements or any crops upon the farms, nothing is more natural than that occupiers in the other provinces should long for and struggle and agitate for the like privilege. This custom was not legally recognised as against the landlord until the Act of 1870 legalized it. It was always subject to a great variety of restrictions upon different estates. Upon nearly every estate the purchaser of the tenant-right should be approved of by the landlord or his agent. Upon very many, the adjoining tenants upon the estate should have the preference for the holding. Upon many, the sum to be paid was restricted to 20, 15, and in some few cases to 5 years'

\* See "Fair Rents," &c., page 36.

rent. Subject to these rules, the custom had existed almost universally in Ulster for a century or more. It is unnecessary now to enquire further into the origin of the custom; but it may be observed, that as there was one universal rule, viz., that all arrears of rent should be paid to the landlord out of the purchase-money, it was found an easy and convenient way for landlords, and especially for agents, to keep matters smooth without much trouble. Under this custom, the tenants of Ulster have nearly all held, and most of them have executed improvements, and by themselves or their ancestors have become the purchasers of their farms. From the time of the introduction of Sharman Crawford's Tenant-Right Bill some forty years ago, down to the present day, the Ulster tenants have always been struggling for a legal recognition of this tenant-right, and for a restraint upon the office rules by which it was controlled and limited. Until shortly before 1870, these efforts received but languid support, because it was found that, although there was no compulsion by law, the transactions between landlord and tenant were generally carried on in Ulster with such fairness and justice upon each side, that no great grievance was felt. The tenants in the other three provinces were conscious that their position was entirely different from that of the Ulster tenants. They knew that they had never purchased any tenant-right

in their holdings, nor paid anything for their occupation ; that when arrears of rent were left due, as was the case upon the great majority of holdings from 1847 to 1853, they were never asked from an incoming tenant. They knew that, if *bona-fide* improvements were made by a tenant, they were generally taken into consideration as such by the landlord if the possession was surrendered. They, therefore, saw no way at first to claiming tenant-right, or joining the Ulster tenants in their demand to have it legalised, and their natural antagonism to the Protestants of the North kept the parties asunder. The term "fixity of tenure" was then invented as a term sufficiently general to include the legalising of the tenant-right in the North, and the giving of a permanency of occupation in the South. This was claimed for every occupier, no matter what might be the terms of his tenancy or the nature of his contract. By this device, the arguments in favour of fixity of tenure, drawn from the position and circumstances of the Ulster tenants, were put forward as if applicable to all Ireland, although the facts and circumstances in the other three provinces were entirely different.

These misleading and insidious arguments, used for some years in the press and on the platform by irresponsible and designing agitators, at last culminated in the Report of the Bessborough Commission. The evidence of witness after witness

from Ulster, showing the honest claim of the Ulster tenant to a valuable interest in his farm, the tenant-right of which he had bought at a high price with the landlord's permission, was there unjustly and insidiously relied on as proving that the tenants in the rest of Ireland had a like property in their holdings, though they had never bought or earned the possession. And the marvellous conclusion was arrived at, that the tenants of all Ireland were entitled to fixity of tenure because the tenants of Ulster had purchased their tenant-right. The only other ground upon which this claim was alleged in the Report to rest was (par. 8) "*popular consent*" and (par. 9) "*prevailing sentiment*"—that is, the consent and sentiment of the tenants themselves. This, in plain English, simply means that whenever a great number of people wish for other people's property, they should have it. This Report, manufacturing "fixity of tenure" for all Ireland out of tenant-right in one province, will go down to all posterity as especially distinguished among Parliamentary records for having based its foregone conclusions upon misapplied facts and perverted evidence.

*As based upon the allegation that all improvements in Ireland are made by the tenants.*—It was next alleged that the improvements as a rule were made by the tenants, which, however true it might be in Ulster, is by no means applicable to the 297,642

holdings, containing under fifteen acres each, situated in the other three provinces. Upon these holdings, excepting the small portions of reclaimed bogs or mountains, the only improvements (if they can be called such) are the mud cabins, and the crooked, straggling, tumble-down walls and ditches, that subdivide the land into such patches as render it unfit for profitable cultivation. These dwellings constitute the greater portion of the 200,000 inhabited houses valued under the tenement valuation at five or ten shillings a-year each.\*

As to any improvement of the soil by cultivation upon such holdings, it was almost unknown. In most cases the land was originally set to the occupiers in good old pasture, the fertility of which they quickly exhausted by continuous bad tillage† and burning the land.‡ The best improvement which such tenants could have done, would have been to leave the land alone. As to the larger holdings, every tenant had intelligence enough and independence enough to look after and contract for the security of his own improvements.

\* The number of inhabited houses of the third class (mud cabins, but windowed, and having three or four rooms), in 1871 was 357,126, which were valued at about ten shillings a-year each, and the number of the fourth class (windowless, one-roomed), valued at about five shillings each, was 156,741, including 39,177 mud cabins. See Land Question, No. 5, "Arrested Progress," p. 18.

† See Digest of Devon Commission, p. 437, and *post*, Part II., cap. iv., sec. 1, *Subletting*.

‡ See Part II., cap. iv., sec. 1.

A landlord, writing in *Macmillan's Magazine* early in 1880, upon this subject, says, "The truth is they took every good thing out of the land that nature at first put in it, and left it in as near a state of *caput mortuum* as possible. Most of the improvements have been made at the expense of the landlords. I have drained more land than all the tenants together for twenty miles round on every side. If I said I had drained twice as much I believe I should still be far within the truth. . . . All the improvements done by my tenants would not amount to a year and a half's rental of the estate."\*

The tabulated returns of several estates, prepared by the Land Committee, show that since the year 1840, a sum of £3,544,547 has been expended by the landlords upon 4,216,619 acres of land in the hands of tenants.†

They show also that upon an inquiry as to 6,625,704 acres, improvements have been made by the landlords alone upon 11 per cent., and jointly by the landlords and tenants upon 62.37 per cent.; while only upon the remaining 26.62 per cent. they were made by the tenants.‡

But improvements, when made by the tenants, have been made generally upon the larger holdings upon well defined contracts with the land-

\* See quotation in Land Committee's Pamphlet, No. IV., p. 18.

† See the Land Question in Ireland. Paper by the Land Committee, No. III., p. 29.

‡ *Ib.* p. 33.

lords, and not upon the small holdings concerning which the difficulty exists.

In some cases improvements had been incautiously made by such tenants, relying upon the traditions of the old proprietors under whom they had long lived; and when, by the Incumbered Estates Act of 1849, that first step of Radical reform, these traditions were broken, and the old proprietors gradually swept away, the calculating commercial men who came in their places disregarded in some cases these unwritten obligations of their predecessors, and raised the rents in respect of these improvements. This necessitated a security for tenants' improvements; but whatever was wanting in this respect was fully supplied by the Act of 1870. It gave the fullest compensation for all suitable buildings erected, for every reclamation of waste, and for every other improvement made by a tenant. It gave perfect security to every tenant not claiming tenant-right, that he should either continue to enjoy the profits of his expenditure, or be compensated for being deprived of them.\* It ought to have settled for ever the question of security for tenants' improvements; and so it would, if the cry for fixity of tenure was an honest demand with a view to such security.

But as this was not so, the cry was still reiterated that "security of tenure at a fair rent" was required by natural justice, to prevent the land-

\* See Tenants' Privileges in 1880. Appendix.

lord confiscating the tenants' improvements.\* False assertion filled the place of fact, and fixity of tenure seemed so desirable an object in aid of the other revolutionary projects alluded to, that many lines of agitation became centred in its promotion.

*Alleged extermination of tenants and confiscation of their property.*—It was asserted, over and over again, but with hardly any foundation in fact, that the landlords of the south were exterminating their tenants and confiscating their improvements; that the power of eviction was being exercised without reluctance and without mercy for the purpose of raising rents; that for mere greed of gain the landlords were driving the occupiers wholesale to destitution and death; and that "fixity of tenure" could alone save the country from depopulation. The facts as to these evictions and alleged depopulation will be given in a subsequent chapter.†

From the platform, the press, and the altar, month by month and year by year, the false assertions were still reiterated, and every feeling of sympathy and compassion was aroused and traded on, not only in England, but also in America, and to some extent in Europe. No wonder that the Irish tenant should begin to look upon himself as an injured man, with a great grievance to be remedied. No wonder he should begin to think,

\* See Cap. iv., sec. 111, *post*.

† See *post*, Part II., cap. iv., sec. 1 (*b*.)



and whether he thought so or not, loudly to proclaim, that his poverty was caused, not by his own want of industry and thrift, but by unjust land laws; and that every rent, which he was therefore unwilling *or* unable to pay, was an unjust rent. "Fixity of tenure at a fair rent" was therefore demanded with violence as a small instalment of justice. It was no wonder that crafty politicians should seize the opportunity of trading upon the popular feeling.

The tenants of Ireland had the land in their occupation. They had also almost a complete monopoly of the Parliamentary Franchise. They had been taught to look for Fixity of Tenure, to expect that they would be enabled to keep the land, and pay only such rents as they pleased, if they would unite in returning to Parliament only such men as would be ready by Fixity of Tenure, or any other means, to vote for a permanent transfer of the landlord's property to the occupying tenants.

*Resolutions of the Roman Catholic Hierarchy (1867), demanding a confiscation of Ecclesiastical and Lay property. Their adoption by Mr. Gladstone.*—In civilised societies this covetous desire of becoming possessed of other people's property without paying for it, is generally restrained by the knowledge that there exists—1st. A law of property to do justice between man and man. 2nd. A judi-

cial authority to enforce it by the means of civil magistracy, or of judges and juries. And 3rd. A criminal law, and an executive authority to punish any violent transgression of its precepts. In savage society, where Might alone makes Right, and only the strongest rule, there is no right of property against the chief of the tribe, and any other right of property is only such as may be sanctioned and enforced by the uncontrolled will of the chief. In Ireland, down to 1869, these laws of civilised society, though often defeated in their administration, were still recognised and acted on. 1st. The same law of property, and the same rights of property were recognised as in England. 2nd. The same system of judges and juries to administer the law existed ; but in agrarian cases the juries, from their sympathy with tenants, often defeated justice. But, 3rd. Whenever agrarian crime came to be dealt with, it was found that the class of jurors introduced into the jury box by recent legislation so entirely sympathised with the accused that this arm of the executive was paralysed. In some counties almost every trial by jury in such cases became a mockery of justice, and a triumph over law and order. The Fenian outbreak took place in March, 1867, but the Government of Mr. Disraeli knew the necessity of upholding the executive authority, and so the rising was speedily put down by force, and some of the leaders brought to trial before a Dublin

jury and convicted. In October, 1867, the Roman Catholic Hierarchy of Ireland held a series of solemn meetings, at which the state of Ireland was discussed, and a line of political action laid down, by which it was hoped that all English and Protestant influence in Ireland might soon be utterly destroyed. This policy was announced under their authority in a series of resolutions, passed on the 14th and 15th October, 1867, of which the principal were as follows:—

*1st. On the Established Church.*

“That the Irish Protestant Church Establishment is maintained chiefly—almost exclusively—from property and revenues, unjustly alienated from the rightful owner, the Catholic Church of Ireland, . . . . . and that notwithstanding the rightful claim of the Catholic Church in Ireland to have restored to it the property and revenues of which it was unjustly deprived.” . . . . They reaffirm former resolutions to refuse State Endowment, but “insist upon the Disendowment of the Church of Ireland.”

*2nd. On Education.*

They “condemn every system of mixed education in which the State would substitute its own authority for that of the Church.” They condemn “the Model Schools. . . . We hereby warn our flocks against them; and we enjoin our priests to use their best exertions to withdraw children from them.” . . . “It is forbidden by the bishops to send Catholic teachers to the existing training schools, and as it is the duty of Catholic parents, in obedience to the instruction of their pastors, to withdraw their children from existing schools. Catholic Commissioners fail in the respect and obedience due to their ecclesiastical authority if they require Catholic schoolmasters, or induce Catholic pupils to go for training or instruction to those schools.”

*3rd. In General.*

"We also declare to the Government and the legislature our profound conviction that peace and prosperity will never be permanently established in Ireland till (1) *the Protestant Church is totally disendowed*; (2) *education in all its departments made free*; and (3) *the fruits of their capital and labour secured to the agricultural classes*.\*

The Pastoral of Cardinal Cullen to his clergy, published October 15th, 1867, sets forth the resolutions, and gives the reason for demanding the overthrow of the Church of Ireland thus—"It is surely time that the justice of the English people should put an end to such an establishment, which, having no mission from heaven, is unable to propagate any religion, and only serves to uphold abuses, and to create feuds and dissensions."

Mr. Gladstone's Party agreed to adopt this policy as the price of the Irish support in helping them to return to power, and this was soon after announced by him. The first of the propositions—the overthrow of the Church of Ireland pleased the English Radicals, and formed a valuable bond of union between them and the Irish Party, and the General Election in 1868 brought them into power with a large majority. Mr. Gladstone, in his famous statement, then announced "his determination to cut down the three branches of the great Upas tree of Protestant ascendancy which overshadowed Ireland," which, according to his own explanation, practically meant his adoption of the principle of these three resolutions of the Hierarchy.

\* See *London Times*, October 16th, 1867.

With many of the Irish Party the overthrow of the Church of Ireland was looked upon as of no value, except as it would afford a precedent for the overthrow of all other English Institutions, and for the confiscation of property that had been once secured and guaranteed by the British Constitution and the public law of the United Kingdom, and would thus lead up to the taking possession again of the "forfeited estates" in Ireland. The Irish correspondent of the *London Times*, writing upon October 18th 1867, says, "All efforts which have been made to stir up agitation on the subject among Roman Catholic people appear to produce as yet little or no effect." The policy of the Hierarchy was shown by their declaration that "they re-affirmed the doctrines of their Canon Law—'that all forfeited property in Ireland, *ecclesiastical and lay* was held by an invalid title, being taken by *heretics* in an unjust war,' and so ought to be restored to its rightful owners."

The deliberate words of that declaration, made fifteen years ago, and read now in the light of the events that have since taken place, should make any English statesman look with alarm upon the revolutionary course that has been since pursued, and the goal to which it is rapidly hurrying. The "rightful owners" therein intended are the Roman Catholic tenants who happen to be in possession, though they or their ancestors may have had no more connection with the lands they

live on, than they have with the lands upon which London or Manchester have been built. Among the "heretics" by whom the "forfeited property in Ireland, ecclesiastical and lay, was held," were included all the Protestant Ecclesiastical Corporations, the Protestant Bishops and Clergy, and all the Protestant landlords of Ireland. The title acquired by an undisturbed possession in some cases of over 200 years, and in others of nearly 300 years, was to be ignored. Even the vast number of the existing owners, who had become so by purchase, and notably those who had purchased property in recent years under the special Parliamentary guarantee of the Landed Estates Court, amounting then in value to some forty millions of money,\* were to receive no consideration. They had no claim against the "rightful owners." Such were the doctrines taught by the Roman Catholic Hierarchy to their devoted followers in Ireland, enforced and enlarged upon in every Bishop's pastoral, and from every altar and platform, and brought home to every Roman Catholic tenant at his own fireside by a radical and revolutionary press, with all the pathos of historic incidents long passed away—with all the bitterness of an undying revenge, and all the exciting hope that at no distant day the "heretics" would be again driven out, and the land given to these occupiers, and each of them created the "rightful owner" of the soil he

\* See *ante*, p. 91.

tilled. These are the same doctrines which have of late been preached by the revolutionary and communistic teachers in Ireland. The only distinction between the two classes of teachers is this, that the Roman Catholic Church only declares these invented and pretended rights, but holds back from pointing out the means of attaining them, while the communistic teachers openly maintain that these rights should be asserted by force and violence as soon as, in England's difficulty, there should appear a chance of success.

*Demoralising effect of the Irish Church Act, 1869, confiscating property and giving the Glebe Lands to the tenants.*—These doctrines, much as they appealed to the baser impulses of human nature, and earnestly and persistently as they had been inculcated by these influential teachers of one kind and the other, were still held in check up to 1868 by the seeming impossibility of realising them, and by the supposed insuperable difficulty of ever inducing the great broad honest political opinion of England, as represented in Parliament, to sanction such doctrines, much less to enter upon the suicidal policy of adopting them. In 1869 all was changed by the passing of the Irish Church Act. This afforded to the Irish priests and people a practical proof of what the British Parliament could be induced to do under the guidance of unscrupulous leaders. By it the whole property of the

Church, amounting in value to fifteen millions,\* was alienated from the Church, having respect only to the recent private endowments and the life interests of the existing bishops and clergy. There was still the distinction that this property belonged in some sense to a State Corporation, and not to individuals. And, therefore, some thought that its confiscation would afford no precedent for dealing in a like manner with private property. The sale of the Church lands to the occupying tenants, which the Act required, had a much more practical and more injurious effect upon the minds of Irish agitators and Irish tenants. The terms upon which these sales were made were as follows:—the tenant was required to purchase one-fourth of his rent, and the remaining three-fourths were given to him as a free gift after the end of thirty-five years. He was to pay this remaining three-fourths of the rent for thirty-five years, and then to have the land for ever free of rent. This, for appearance sake, lest it should be called State bribery or Party bribery, was called, enabling him to borrow from the State for the purpose of purchasing. A financial operation was supposed to be gone through which the tenant

\* Property of Irish Church, as by Commissioners' Report, end of year 1878—

Rent-charge and lands sold and paid in cash	...	£3,109,824
Do. do. sold on credit and value of residue unsold	...	12,498,000
		<hr/> £15,607,824



neither understood nor cared for, by which the purchase money was supposed to be lent to him at  $3\frac{1}{2}$  per cent., with another  $1\frac{1}{2}$  added as a sinking fund to pay off the principal; thus, 5 per cent. upon the money lent was, in each case, about equal to the amount of rent to be purchased with it, so that if the tenant purchased up one-fourth of the rent payable by him, and paid the other three-fourths for thirty-five years to the Government instead of to the landlord, the farm then became his for ever free of all rent. The fortunate tenant might well ask himself what he had done to earn this bountiful gift from the State?—to be given, after a few years the free gift of the fee-simple of three-fourths of his farm? What then was more natural than that he should conclude that his title, as declared by the Roman Catholic Hierarchy—that he was the “rightful owner” of his farm, had been admitted by the British Parliament, and that the Party led by Mr. Gladstone had determined to act upon the policy so declared, and carry it out to its logical conclusion. There was Glebe land in almost every agricultural parish in Ireland offered to the occupying tenants upon these terms. The rental of the Glebe lands that had been taken from the Church without compensation, and thus offered to the tenants without any purchase except as to one-fourth, amounted to £89,842 17s. per annum. Many of these tenants were, no doubt, men of independent means, and so the purchase

money paid down amounted to £1,013,784 16s. 7d., while the amount borrowed upon the thirty-five years' loan was £991,519 2s. 6d., making together £2,005,303 19s. 1d., the entire purchase of lands sold to tenants.\* There were 5,623 tenants availed themselves of the gift. Every other tenant in the parish was then entitled to ask, and did ask, why the tenants of Glebe lands should have this most bountiful gift from the State, while he was deprived of a like privilege? The bishops' declaration put lay property upon the same footing as ecclesiastical. Mr. Gladstone had declared this "ownership" of the land by Protestant landlords to be the second branch of the Upas tree. Mr. John Bright yearned after his pet theory of a Peasant Proprietary, and in gross language violently stimulated agitation.† The principle had been admitted by the Irish Church Act. What was more natural than for every tenant in Ireland to believe that he had as good a right to be made the absolute owner of his farm, as the fortunate tenant of Glebe lands? The landlords alone still stood in the way. All that was required was a vigorous and violent agitation against the landlords of Ireland as a class. It then no longer needed any injustice or oppression upon the part

\* See Parliamentary Report of Irish Church Temporalities' Commissioners, 1879-1880.

† Speech of Mr. John Bright in Ireland in 1868—"If Ireland were a thousand miles away from us all would be changed; or the landlords would be exterminated by the vengeance of the people."

of the landlords, and there was none, except in a few isolated cases, to stimulate that agitation. It needed no general suffering upon the part of the tenants, no oppressive rents, no wholesale evictions, and no unjust land laws, and there were none. It was enough to have convinced the tenant, upon the sacred authority of his Church, that he, as the occupier, was the rightful owner of the land, and that his landlord was a "heretic" usurper, who "got possession in an unjust war;"\* that Radical Statesmen in England were ready to adopt these theories under the name of "Irish liberties," and "a long debt of justice due to the people of Ireland," and that Parliament had already sanctioned and adopted this very principle of making the occupiers, without purchase, the owners of the soil, by the practical gift to them of Glebe lands belonging to the Church to the amount of nearly £30,000 a year.†

These were the real and true elements out of which have since grown up the discontent of Irish tenants, the violent land agitation which has since disgraced the country, and the continued assaults on person and property which, for a year, have made Ireland the scandal of Europe. These have been but the natural outcome of the theories taught by the Roman Catholic Bishops, and adopted by Mr. Gladstone and Mr. Bright and their Party‡—the bitter fruit that necessarily

*ante*, p. 138. † See *ante*, p. 142. ‡ See *ante*, p. 137.

sprang up from the seed thus unhappily and foolishly sown in the minds of the tenants by this alienation of the Glebe lands from the Protestant Church, and the almost free gift thereof to the Roman Catholic tenants who happened to be in occupation. These were the demoralising influences that really account for much of the subsequent anarchy in Ireland.

*Compensation for disturbance.*—As a concession to this feeling, the clause was introduced into the Bill of 1870 giving to tenants compensation for disturbance over and above all compensation for improvements, the scale varying, as already mentioned, from seven years' rent on the small holdings to two years' rent upon those valued at not more than £100 a-year.\* This concession, not being based upon any principle of abstract justice as between landlord and tenant, nor capable of being supported upon any sound principle of political economy, at once produced its fatal effect. Instead of being received, as it was really intended, viz., as a gratuity to small tenants from the benevolence of Parliament out of the landlord's pocket, it was looked upon by the tenant as a partial and niggardly return to him, as the occupier of the soil, of an insufficient compensation for taking from him that which was his own—the land. "The land of Ireland," said the agitators,

\* See *ante*, p. 106.

“ belongs to the people of Ireland.” “ The man whose labour tills the soil is the rightful owner.”

The full effect of this compensation for disturbance, granted by the Act of 1870, may be best estimated by a glance at the figures. Taking the average valuation of the land at £1 the Irish acre, and the average size of the holdings in each class at half the maximum of the class, we have 245,281 \* holdings in the lowest class, where the rent is under £10 a-year, at an average of five acres each—rent £5—to be compensated by seven years' rent, £8,584,835. In the next class,† 137,987 holdings at an average of fifteen acres each, to be compensated by five years' rent, £10,349,025. In the next, 36,191 holdings at twenty acres each, by four years' rent, £2,714,325. In the next, 36,191 holdings at twenty-five acres each, by three years' rent, £2,714,325. In the next, 55,320 holdings at fifty acres each, by two years' rent, £5,532,000. And lastly, 31,484 holdings at 150 acres each, by one year's rent, £4,722,600, making together the sum of £26,213,330. From this may be deducted £6,213,330 in respect of land in the owners' possession, leaving £20,000,000 which the County Courts are empowered by that Act to give the tenants in the event of their being disturbed. These were the

\* The number of holdings in 1870, between 1 acre and 15 acres each. Estimate 245,281 + £5 = £1,226,405 rent + 7 years = £8,584,835.

† See the classes according to the scale of compensation under Clause 3 of the Act of 1870, ante, p. 106.

solid fruits of agitation, unearned by industry, unbought by money, the silly sops bestowed by weak and foolish statesmen. £20,000,000 of the clear and undoubted property of the landlords put into the power of the Court, to be handed over to the tenants if the occasion should arise. Each tenant could calculate his own share of the plunder.

In the hands of clever and unscrupulous agitators, these concessions in the Act of 1870, led the way to socialistic doctrines. These were preached for many months from every platform without any restraint from Government, any rebuke from the ministers of religion, or any repudiation by Radical statesmen. The logical Irish mind was not slow to draw its own conclusions. Why would the English Government give a tenant seven years' rent over and above all improvements on his being put out of possession, if the right to the possession was not clearly *his*? and if it was his, why should he be put out at all? or why should one tenant get only one or two years' rent as compensation, while another got seven. "Fixity of tenure" was therefore declared by the agitators to be "hardly an instalment of justice, and not worth accepting." The new doctrine was preached that the land is the tenants', and not the landlords', and therefore "Landlordism should be abolished for ever." These doctrines would not have been tolerated or listened to a short time before by any above the lowest class;

but when the Parliament of England had, in 1870, declared that a tenant who took land for one year was entitled to hold possession for ever, unless the landlord, if he wished to resume the possession, paid him seven years' rent above all improvements, it was easy to persuade the tenants in their own interest that the English Parliament would never have done this, but that they were either forced to admit that the land was the property of the tenants, or that through fear the Parliament was willing to concede whatever the tenants had the courage to ask with boldness. In either case, they were "bound to assert their rights like men." If the consciences of some still recoiled from such injustice, they were soon emboldened by such speeches as those of Mr. Gladstone in Midlothian, in the summer of 1879, where, speaking of the reform of the Irish land laws, he gave very plain directions as to the course to be pursued in these oft-quoted words: "A gaol in the heart of the metropolis was broken open under circumstances which drew the attention of the English people to the state of Ireland; and when in Manchester a policeman was murdered in the execution of his duty, at once the whole country became alive to the question of the Irish Church. It came within the range of practical politics." And that of Mr. Bright at Birmingham, who argued that the land of every country belonged to the State, and that therefore the occupier who tilled the soil

should be made the proprietor. These teachings had the desired effect.

The third bad season of 1879 caused some real distress. The sympathy brought in the money to the Land League. The money paid the agitators. The agitators aroused the worst passions of the people, and supplied the material to the Press. The Press increased its circulation. All was ripe for—

*The General Election in March, 1880.* The Irish agitators were carried into Parliament in almost every constituency. The English leaders who had stimulated the agitation came into power with an immense majority, and all seemed ready for carrying out the revolutionary programme as to Irish land. It seemed a question upon which the extremes of Irish and English Radicalism could agree, although they might differ upon almost every other point. But there were still Whig members in the Cabinet whose consciences were not yet sufficiently blunted to enable them to sanction a policy of confiscation as to Irish land. In order to bring it to the front, it was deemed necessary to keep up the agitation and violence. The non-payment of rents, under the pretence of their being *unjust rents*, was openly preached on the platforms, and this, in practice, gave the tenants a present payment and reward for their violence.



*The Disturbance Bill*, 1880.—But the tenants engaged in the agitation, and in arrear in their rent, began to fear the just indignation of the landlords, in whose power they had left themselves by the accumulations of arrears. They feared eviction for non-payment, and this fear was found a heavy drag upon the agitation. Mr. Gladstone was appealed to, and in July, 1880, brought in his “Disturbance Bill,” which would have given the tenant, not only “fixity of tenure” for the time being, but also immunity from the payment of all rent, for, as will appear presently, the remedy by distress for rent was obsolete and useless in Ireland. The Disturbance Bill was practically a declaration by the House of Commons, that a man need not pay his lawful debt, if that debt be rent, that the man who got land upon the conditions of paying the rent may hold the land and refuse to pay. This monstrous Bill was rejected by the House of Lords on the second reading.\*

*Outrages.*—Thus every successive step was calculated forcibly to teach the minds of the people of Ireland, that Mr. Gladstone’s Government were ready to adopt what were called the “Irish idea,” that “the land belonged to the people,” only that the pressure of agrarian violence was neces-

\* See its clauses in Appendix.

sary, in order to overcome opposition in the Cabinet and in the Parliament.

A few years before, upon the accession of the Conservatives to power in 1874, the hopes of violent legislation and the plunder of landlords had quickly died out. Agrarian agitation then promised no further fruit. The greed for plunder was checked by the impossibility of obtaining it. Though the minds of the people had been sufficiently demoralised, an adverse Government and an adverse Parliament kept them in check. Mr. Gladstone, had done all he could to stimulate the passion for further plunder, but, on the 31st of March, 1880, he had been forced to admit in his public Speech that "there was an absence of crime and outrage in Ireland, and a general sense of comfort and satisfaction, such as has been unknown in the previous history of the country." Where were then the people groaning under oppressive land laws? Where were then the want of security of tenure, the unjust raising of rents, and the confiscation of tenants' improvements? The events had not then arisen to quicken the imagination and invention of Irish grievance-manufacturers. But in a month after this, fresh from these fiery harangues, himself the author of the Act of 1870, Mr. Gladstone returned to power with a triumphant majority. Then all was changed. Then the Irish party saw their opportunity for forcing on the Irish Question.

Then the tenants, who had tasted the plunder of the twenty millions, had secured the return to Parliament of the most violent and unscrupulous of their leaders. Then the author of the plunder was again Prime Minister. It was clear that the same course of violence and outrage, to which he attributed such fatal importance in his allusion to the "Clerkenwell Explosion" and the "Manchester Murder," was all that was needed to bring the Irish Land Question again into the foremost position, and to make Mr. Gladstone again the willing tool to carry out a further confiscation of landlords' property—to lay the axe again to the root of this second branch of his upas tree, and utterly to root out and destroy the existing race of landlords in Ireland. The Peace Preservation Act was permitted to expire on the 1st of June, 1880. Boycottings and burnings, and mutilations and murders, and open insurrection, and the subversion of all law and all executive authority followed. In several counties no writ or legal process could be even served without the aid of several hundred police and military. The people knew that trial by jury was a farce, and that under the existing Government they would be safe from any other control. Coercion was delayed just long enough to allow all the elements of disorder thoroughly to imbue the minds of the masses, and the country in a few months became almost a prey to social anarchy, there being in ten

counties 1,173 agrarian crimes in four months.\* All this was trumpeted in England as cogent evidence of the discontent of a people groaning under the weight of oppressive land laws; whereas it was but the outcome of the spread of communistic principles, encouraged by the insidious language of leading English Statesmen, fanned into a flame by the unbridled use of violent language on the platform, in the press, and at the altar, and fed by the sops so foolishly given from time to time by vacillating and time-serving parties in Parliament, whilst the promoters were revelling in the consciousness of the most perfect impunity.

These events have been briefly traced, because they contain a solemn warning against the danger of adopting such a principle as that of "fixity of tenure"—or of again whetting the appetite for "public plunder," by confiscating further portions of the landlords' property, or adopting communistic principles as to land in Ireland.

2nd. *The Nature of the Demand for "Fixity of Tenure."*

The demands made, from time to time, for "Fixity of Tenure" have been of various kinds,

\* Agrarian crimes during the four months, August, September, October, November, 1880:—Clare, 59; Cork, W.R., 37; Kerry, 134; Limerick, 100; Leitrim, 75; Sligo, 44; Roscommon, 79; Mayo, 236; Galway, 426; Cork, E.R., 83—making a fearful list of 1,173 agrarian offences in ten counties during four months.

ever since the introduction of Mr. Sharman Crawford's Tenant-Right Bill. We may pass over all the earlier attempts, and begin with the Bill of Isaac Butt, Q.C., introduced into the House of Commons in 1879.

*Mr. Butt's Bill.*—The plan for securing fixity of tenure under this Bill was as follows:—The tenant was to be at liberty to serve notice upon the landlord of an application to the County Court for a "Declaration of Tenancy." The notice was to operate as a stay of all proceedings to eviction, and the Court was to be entitled, on hearing the application, to fix the rent, and give the "Declaration of Tenancy," whereupon the tenant was "not to be liable to have his tenancy determined by any notice to quit" (secs. 32 and 33). This was to be the title-deed of the tenant (sec. 42), and the possession under it was for ever thereafter liable to be disturbed only for non-payment of rent (sec. 34), persistent waste (sec. 37), or for wrongful subletting or assignment (sec. 41). In the latter case, the possession might be recovered by special injunction, but it could be redeemed in six months, upon payment of damages and costs. Existing leases were exempted from the Bill (sec. 38), and it was intended to apply only to occupiers of holdings "the tenure and character of which, if created after the passing of the Act of 1870, would entitle the occupier to compensation

for disturbance under the 3rd section of that Act" (sec. 27). This Bill was clear and straightforward in its terms. Its application was limited, as by that 3rd section and section 58 of the Bill, to tenancies from year to year, and as to existing tenancies was further limited to those valued at not more than £100 a-year. As it was based upon the principle of protecting tenants who were unable to protect themselves, it excluded the preposterous notion that a man holding a farm worth £100 a-year or more could not make his own bargain. Its provisions bore the stamp, at least, of a legal mind, honestly seeking to secure to the landlord, in a legal form, any privilege intended to be left him. The Report of the Bessborough Commission and Mr. Gladstone's Bill, on the contrary, disturb everything, overturn all legal principles, and seek to involve all the relations of landlord and tenant in Ireland in confusion and mystery, in endless litigation, ill feeling, and discontent.

*The Report of the Bessborough Commission.*—The proposal made by the Bessborough Commission is couched in mild and seductive terms, but is not the less sweeping in its effects. It is this (par. 40), "that the farmer should no longer be liable at law to the displacement of his interest in his holding, either directly or by ejectment, or indirectly by the raising of his rent, at the discre-

tion of the landlord. The landlord's right to eject should, we think, be limited to certain stated cases." The cases are stated in paragraph 42, "Subdivision, Subletting. . . Persistent waste after notice to desist. . . Conviction of a serious crime. . . Persistent exercise of a right from which he is debarred by agreement. . . Or unreasonably refusing permission to the landlord to enter." It is suggested that any of these should entitle the landlord, either to determine the letting by notice to quit, *or to compel the tenant to sell*—that if ejectment is retained at all, it should only be allowed after two years' rent are in arrear; and (par. 43) the tenant should not be put out of possession until the expiration of the six months allowed for redemption, and should be allowed to sell his interest in the meantime. Thus the substance of the suggestion is, that the landlord shall never again be at liberty to resume possession of his land without buying it from the tenant; and the gross injustice of the proposal is, that the more indulgent the landlord has been, in leaving his rent moderate or low, the more he would be victimised. It would punish the whole class of kind and indulgent landlords, and leave the few harsh landlords, who form the exception, almost unaffected as to their rents; such an Act would fail to reach those few who have raised their rents to the highest competition price, so as to leave in the tenant no saleable interest to dispose of.

Like much of the recent legislation, it would again hold out a premium to every landlord—it would almost force him, in self-defence—to exact the utmost limit of his rights from every tenant.

*Mr. Gladstone's Bill.*—Lastly comes the Bill of Mr. Gladstone, which is full of pitfall snares and delusions, the intricate windings of which it is almost impossible to follow. Every sentence and every word which would be likely to alarm fair thinking men, by showing plainly what was intended, seem to have been carefully excluded; while every form of expression has been utilised which may carry out the intended effect of transferring the landlord's property and rights to the tenant, without it being plainly observed. But here we have only to deal with the question of "fixity of tenure," and will endeavour to make plain the effect of the Bill in this respect, and to point out how the clauses would operate. "Fixity of tenure" is not professed to be given directly by the Bill, but perpetuity of tenure, or, as Mr. Gladstone chooses to call it, "a durable interest," is practically worked out by a combination of several crafty and intricate clauses. Clause 1 enables a tenant from year to year to sell the holding, that is, to sell a possession which can now be determined, any November, by a six months' notice to quit; but a possession which the Bill will



practically make perpetual. Clause 3\* enables the tenant, if an increase of rent is demanded, either to leave and claim compensation for disturbance under the new and largely increased scale, or to get himself declared by the Court to hold at a judicial rent, subject to statutory conditions for a "statutory term" of fifteen years. By clause 4,\* a tenant, during the continuance of a "statutory term," is not to be liable to pay any increase of rent, and is not to be compelled to quit his holding except for breach of some one of the "statutory conditions." These conditions are (a) that he shall pay his rent, (b) shall not commit persistent waste, (c) shall not refuse to allow the landlord to enter to take Royalties, (d) shall not sub-divide nor sub-let, (e) shall not do any act whereby his estate may be vested in creditors. Thus, by clauses 3 and 4, the existing tenancies from year to year are to be at once converted into terms for fifteen years at a fixed rent. These are the consequences immediately to follow any attempt of the landlord to increase the rent. Then by clause 7,† a tenant of any present tenancy may of his own motion apply to the Court to fix a judicial rent, and when it has been so fixed, then by sub-section 7† of the same clause, such tenancy shall subsist for fifteen years (which

\* Clauses 3 and 4 of the Bill are now clauses 4 and 5 of the Act, and clause 7 of the Bill is clause 8 of the Act.

† Now clause 8, sub-section 8 of the Act.

is declared to be "the statutory term"), and shall be subject to the statutory conditions: and under sub-section 11,\* application may be made to the Court, during the last twelve months of the statutory term, again to fix the rent. It follows, then, from sub-section 7, that another statutory term of fifteen years would thus be again created. The way in which fixity of tenure is to be worked out under the Bill is not by an honest clause, providing that every tenant may apply to the Court to give him successive statutory terms of fifteen years. If the landlord seeks an increase of rent, and whether the tenant agrees to it, or the Court interposes and fixes the rent, then, under clause 3, the statutory term of fifteen years springs up; or if the tenant apply and have the rent fixed, then again the statutory term of fifteen years is created; and in each case, subject to the "statutory conditions." This process may be repeated for ever. The Bill may appear to imply that, although the landlord has a tenancy of fifteen years, renewable for ever, imposed upon him, he will still have the protection of the "statutory conditions," as mentioned in clause 4,\* imposed upon the tenant. But this turns out to be a mere mockery and delusion; because although the conditions are mentioned in due form, no adequate remedy is given to the landlord to enforce them.

The fourth† clause insidiously implies that the

\* Now sub-section 8.

† Clause 5 of the Act.

landlord can compel the tenant to quit his holding ; but the thirteenth dissipates the delusion. It provides that when a landlord proceeds to "compel a tenant to quit, the tenant may sell his tenancy at any time before but not after the expiration of six months from the execution of the writ or decree for possession in any ejectment for nonpayment of rent, and at any time before but not after the execution of such writ or decree in any other case ;" so that this pretended control given to the landlord over his tenant by these statutory conditions, is quietly filched away by this power given to the tenant to sell the tenancy. The moment he has sold, the proceedings to compel him to quit must end. The landlord, instead of resuming the possession, is saddled with the purchaser as a new tenant, and remitted to a new class of remedies under clause 1, to seek reimbursement for his losses out of the purchase-money. But the 13th clause puts yet another statutory block in the landlord's way, for it provides that if the statutory condition broken is other than the payment of rent, the landlord must proceed by notice to quit. Take a case :—A, a tenant, sub-divides or sub-lets, or commits persistent waste ; the landlord can only serve a six months' notice requiring him to quit at the September or November gale, or if the tenancy commenced after the passing of the 39th & 40th Vic., c. 63 (1876), a twelve months' notice to quit. He

brings an ejectment in the January following. A then informs his landlord that he has sold to B. The landlord cannot proceed with the ejectment, but must then commence a new series of proceedings against B, to be compensated out of the purchase-money. If A puts B into possession without his lodging the purchase-money in Court and goes away, no remedy is given against either. The statutory term of fifteen years has been transferred to B, and there is no provision that he shall be answerable for the breach of the statutory conditions by A. If a notice to quit could then be served on B, he may sell again to C, and thus the processes have to be continually repeated. The insuperable difficulty of the position is, that the Bill sets aside all legal rights and forms, and provides no substitute. The result then is, that while the tenure of the tenant is practically made perpetual, the landlord is mocked with the pretended protection of "statutory conditions."

A few years ago no sane man would have thought of suggesting, even to the most demoralised audience in Ireland or in England, such principles of confiscation. Prior to 1869, no man ever had the hardihood to suggest in the House of Commons such a policy of plunder. Anyone in such an attempt would have feared the scorn and reprobation of every honest man. But principles of plunder, like any other dishonesty or vice, when acted on, soon blunt the conscience

and become habitual and infectious. This demoralisation was commenced by the confiscation of the property of the Church of Ireland in 1869; but then private interests were respected and were compensated. In 1870, the property of the landlords of Ireland was assailed, and, as has been shown, £20,000,000 of their property was taken out of their control, without any consideration to them, and was put into the power of the County Courts to transfer to their tenants, not for any improvements made by them, but under the insidiously invented title of "compensation for disturbance." In 1880, the House of Commons agreed to a Disturbance Bill, which would have practically suspended the payment of all rent, had it not been rejected by the House of Lords; and now the principle of confiscation takes another tremendous stride, by the carrying of this Bill through the House of Commons, no matter what ultimately becomes of it.

Some warning and prophetic words, addressed by one of a deputation upon the Irish Church Bill, to the Peers assembled at the house of the Duke of Abercorn are worth recalling. The interview was on the 29th of May, 1869, at that critical period of the fortunes of Ireland, when the House of Lords had not yet sanctioned the principle of that Bill. They are these—"Sad, indeed, it is for a nation when principles of this kind permeate, even through the lowest classes of society, but,

fortunately, such principles, like heavy bodies moving in a medium of a lighter character, have a tendency not to rise, but to descend, and thus the evil is limited. But, my Lords, if these principles should ever be accepted in the higher circles—if they should ever seem to be accepted with favour in your Lordships' House—if unfortunately they should seem to receive the sanction of legislation—they must quickly descend through every grade of society, and permeate to the lowest, corrupting, degrading, and unchristianising all. The whole social system would be quickly unhinged, and the imminent danger and disaster to the nation that would surely follow are fearful to contemplate. . . . If the property of the Church is taken away for the purpose of securing equality, it would be looked upon as a part of that socialism which requires the property of the upper classes to be confiscated for the use of the lower. *The magnitude of the danger of even seeming to admit such principles can only be truly estimated by remembering how intimately this question is connected with that of the land in Ireland.*" \*

These might have seemed at the time the words of enthusiastic exaggeration, but, unfortunately, they have proved too true, and they fall far short of describing the rapid spread of socialism, com-

\* See Address of R. W. Gamble, Q.C., in "The House of Lords and the Irish Church Bill, Report of Proceedings," p. 15, 16.

munism, and anarchy, which have since then been so rapidly developed in that unhappy land.

*3rd. Some of the grounds upon which the Bill is sought to be supported by Mr. Gladstone and Mr. Forster.*—Such are the ambiguous and insidious clauses by which it is proposed, in Mr. Gladstone's Land Bill, to establish "fixity of tenure;" and it may be well, before proceeding further, to state here the grounds upon which Mr. Gladstone and Mr. Forster attempted to justify the introduction of such a measure.

Mr. Gladstone, in his speech of April 7th, 1881, stated these grounds to be—1st, "the land hunger," which really meant "the land scarcity;" and, "the defect in the Land Act of 1870;" 3rd, "that a *limited number* of landlords have been distinguished by a course of conduct different from that of the great majority—viz., an arbitrary raising of rents, and harsh and cruel evictions." These principles will be examined into and dealt with hereafter.

Mr. Forster, M.P., speaking as Chief Secretary for Ireland upon the second reading of the Bill, on the 28th of April, said:—"The demand for land greatly exceeds the supply." . . . "Rather than be evicted, the tenant will make any promises, or undertake any conditions. We find, as a matter of absolute practical necessity, that we must protect him against the contracts which he is willing

to make." . . "We deem it wiser to do this than to rely solely upon our power to oblige him to fulfil his contracts."

*The Real Nature of the Interest of the Tenant from Year to Year in his Farm.*—Mr. Forster then proceeds to ground the claim to fixity of tenure upon an alleged interest known as "good-will," and existing and acknowledged by "sentiment and feeling."

Mr. Gladstone, again speaking of "the tenant's interest in the land," and his consequent claim to "fixity of tenure," said:—"I will speak of it as assigned as tenant-right of a tenant; and the assumption is for the purpose of my argument that *every tenant* has some right or other in his holding."

Now, this is quite true in one sense, but in that sense, and in justice, honesty, and truth, it should mean no more than this—that, if a tenant has a lease for years or lives, he is entitled to remain in possession till the end of that term; and if he is a tenant for a year, or from year to year, without tenant-right, he is entitled to remain until his tenancy is determined by notice to quit, and then to be paid for his improvements. But the transparent and insidious fallacy of the statement consists in the confounding of the "tenant-right" of the Ulster tenant, for which he has, in every case, paid some £15, £20, or £30 an acre, with the inte-



rest of the tenants in the rest of Ireland, whom the landlords have put into possession without any payment. This will appear more clearly from Mr. Gladstone's subsequent statement. Assuming that there is no such distinction, or quietly ignoring it, he proceeds to inquire:—"What are the elements of 'tenant-right'?" and he gives the answer:—"1st, the improvements are the work of the tenant." (The inaccuracy of this statement has been already alluded to—*ante* p. 130.)\* "2nd, the great fact that, with scarcity and land-hunger in Ireland, and with the supply of land in the market so much less than the demand, a state of things has grown up in which it is well worth the while of the man who has not got land to pay for the means of a regular subsistence and livelihood by obtaining it, and the willingness of the incoming tenant to pay, enters largely into the price paid to the outgoing tenant." Of this sentence, it may be truly said, "*Dolus in generalibus.*"

Stript of the insidious windings of its verbosity, it means no more than this, that the occupying tenants now hold the land at a price much less than what others, from the scarcity and desirability of land, would be willing to give for it; and therefore if the occupying tenants had liberty to sell or assign their farms they could obtain larger sums for them. This subject has been treated of in Chapter II. *ante*. It seems of no consequence to

\* See also *post*, cap. iv., sec. 3.

Mr. Gladstone that these tenants might be selling that for which they never paid, either by their labour or their money, and that which was the property of another.

He therefore proceeds to argue, that the tenant has the right to assign. He says, "The principle of *assignment* is a principle rooted in Ireland, and applicable not only to the land of Ireland but of England, and to the general land laws of Europe," and he then quotes "Woodfall's Landlord and Tenant," to the effect that "even a tenant for less than a year may alienate." If so, it may be said, let the right continue. What necessity for further legislation, to give a power which exists? But the unjust proposal which is really meant is, that because a yearly tenant may sell his tenancy from year to year, subject to the purchaser being put out at any time upon a notice to quit, and that land is scarce, therefore the yearly tenant should be declared entitled to sell a tenancy for fifteen years perpetually renewable, or what would be practically an estate in fee-farm for ever, which the landlord shall have no power to determine.

I lend a man my watch for a week. If he claims to keep it for fifteen years, it would be by law a criminal offence. I lend a man my money for five years, or to be returned upon six months' notice. I may want it at the end of that time. What would be thought of the law which would

enable the borrower to keep it for fifteen years, and then for another fifteen years? It would be simply the robbery of one man for the benefit of another.

I let to a man my mill or factory at a rent for three or five years certain, or with power to resume possession upon service of twelve months' notice. My whole commercial and family arrangements may have been based upon my right so to resume the possession. If a law is suddenly imposed which takes from me this right, and gives my tenant power to keep me out of possession, first for one term of fifteen years, and then for another term of fifteen years, unless I buy back the possession upon a scale varying from three to seven years' rent, payable for disturbance, according to the whim of a misinformed Commissioner, can any man with truth pronounce such a law to be just to me? or can any man conscientiously say that my property is not confiscated?

*Bill transfers landlord's property to tenant.—*

This dishonest and unjust Bill itself discloses that its framer, like the fraudulent trader, has two sets of balances, one for weighing the claims and rights of the tenant, the other, a very different one, for weighing those of the landlord. When this right to the occupation is weighed for the tenant, it is calculated, according to the scale in the Bill to be worth from three to seven

years' rent; when the same identical thing is weighed for the landlord, it is alleged to be worth nothing, and therefore no compensation is provided. But this is by no means the measure of the confiscation. This right to resume the occupation, which is declared to be worth nothing to the landlord, is first to be taken from him and handed over to the tenant, then to be enlarged into a permanent occupation for fifteen years, perpetually renewable, and then the tenant is to be entitled, in the significant words of the first section, to "sell his tenancy for the best price that can be got for the same." This right to the possession, which in many cases would sell to a stranger for twenty or thirty years' rent, irrespective of all tenant's improvements, is to be taken from the landlord, and given to the tenant to sell for his own benefit. Can any rational man believe that, if law and order prevailed in the country as it should do, the incoming purchaser would not give this twenty years' purchase for the holding, subject to the standing rent, as readily to the landlord as he would give it to the outgoing tenant? and yet it is boldly asserted that nothing is taken from the landlord. To-day he can, according to law, resume the possession, paying for the tenant's improvements, and such fine as the Court may impose for disturbance, and go into the market and receive the full value for his land—this ten, twenty, or thirty years' purchase, subject to the rent; but

the day after the Bill passes, he cannot resume the possession, but the tenant can sell the possession, and put twenty years' rent into his pocket, over and above the full value of his improvements. The willing purchaser is there with his £20 an acre, ready to be paid, over and above all payment for tenant's improvements, if he only gets the possession, no matter from whom. The landlord admittedly has the legal right to the possession, and therefore, in common honesty, should be entitled to receive the purchase-money, but the Bill declares that the tenant may sell and receive the money. The tenant is plainly given the £20 an acre which the landlord had a clear legal right to, and yet men of clear minds and legal training are found, in the face of these plain facts, to assert that nothing is taken from the landlord by the Bill.

Suppose that the position of the landlord and tenant was that of partners, the result is the same. If one is the owner of a mill or factory, and of capital to buy the raw material (for land represents both the raw material and the inherent power of production), and he takes in a working partner with skill and industry to work it, with power to resume the possession at a given time, the law that would enable the working partner to continue the partnership beyond that time, and thus lock up the owner's capital beyond the given time, would be unjust to the owner. The law

that would enable the working partner to sell his share in the concern contrary to the contract, would be still more unjust, and every pound paid to him for the sale of such prolonged partnership would clearly be so much taken out of the owner's pocket—so much of his property confiscated by law.

That such legislation should receive the sanction of any Executive Government, or of any deliberative assembly of intelligent and responsible men, can only be accounted for upon the supposition that Irish land is different from everything else in the universe, and that contracts concerning it may be dealt with by English political parties merely for party purposes, as reckless gamblers deal with dice, by which their fortunes are made or marred.

*Effect of the Act of 1870.*—Mr. Gladstone, assuming that he had established for every tenant in and out of Ulster this existing tenant-right and power of assignment,\* says, "That being so, it is quite evident that the value of the compensation for disturbance given by the Act of 1870 was tacked on to *every yearly tenancy*, whether we intended it or not." It is true that the Act of 1870 gave compensation for disturbance in the case of every yearly tenancy; but when the annual value was not more than £100 a-year, it was limited to

\* See *ante*, pp. 105, 152.

one year's rent, and in no case could exceed the sum of £450. This affords no ground for allowing every tenant to sell at fifteen or twenty years' rent, or for allowing a tenant holding at £500 a-year to be compensated by payment of three years' rent.\*

The Bill proposes to greatly increase the compensation to be paid to tenants under every class, and to affix no limit except that of one year's rent ; so that a tenant holding at £5,000 a-year is by this Bill to be declared incapable to contract, and to be secured a year's rent for nothing out of his landlord's pocket. The argument for "fixity of tenure" from the Act 1870 therefore wholly fails, whether this intention of the Act was as stated or not. But in truth what the Act of 1870 did, was to restrain the landlord, in the case of small tenancies, from resuming the possession without compensating the tenant for being evicted. But in that case if the landlord had to pay he got possession of his land.

*This affords no justification for the present Bill.—*

This is completely different from entitling a tenant who wished to quit, not only to be paid for his improvements, but also to sell to another at an auction price what he never bought, and what in reality belongs to the landlord.

\* This was altered in the Act to one year's rent when the rent is over £500 ; two years' rent when it is between £300 and £500, and three years' rent when it is between £100 and £300.

This proposed transformation by Act of Parliament of the limited claim of the tenant from year to year to compensation for being disturbed, into a property which the tenant may sell, although he is not disturbed ; this change of a compensation, limited according to the scale to from one to seven years' rent, into an unlimited right to sell by auction "at the best price," which may be ten, twenty, or thirty years' rent, coupled with the allegation that all is within the principle of the Act of 1870, is a piece of jesuitical juggling worthy of a Mephistopheles. The Parliament that acts upon such a principle of legislation must shake the foundations of property of every description in the State, set an evil example to the masses, and incur the odium and reprobation of every civilised government that hopes to govern by just laws.

*Suppression of the distinction between the tenant-right in Ulster and the occupancy in the other provinces.*

—Before passing from this statement of the grounds of the claim for "fixity of tenure," it is further necessary to observe the insidious and unjust manner by which, both in the Report of the Bessborough Commission and in the Bill of Mr. Gladstone, as well as in his speeches in the House of Commons, "fixity of tenure" is sought to be established for those who never purchased any interest in their farms.

The broad and marked distinction between



tenants entitled to the Ulster custom of tenant-right and tenants in the other provinces, is in these suggestions suppressed and ignored. The distinction is lost sight of that the former have paid, with the sanction of the landlord, sums amounting to ten, twenty, thirty, and sometimes even forty years' rent for the purchase of their tenant-right, while the latter have hardly ever paid anything. The valuation of the land in Ulster is £4,226,100; suppose the rental to be about the same, and the value of the tenant-right to be on an average 12 years' rent, the amount paid for the tenant-right by the 187,975 Ulster tenants, holding over one acre each, may be fairly estimated at £50,713,200, while the tenants in the other provinces, upon a rental which may in like manner be estimated at £9,393,416, have paid nothing for their possession. Yet the proposal is, that "fixity of tenure" with "free sale" should be "given alike to each." This upon the latter rental (supposing the "fixity of tenure" to sell for as much as the tenant-right) would be a gratuitous gift to the (338,925) tenants in the three southern provinces of some £112,720,992 of money taken from the estate of the landlords. And yet the Report is so drawn as to ignore this consequence, and by ignoring it to put forward the facts and evidence which were given only in support of the right and claims of the Ulster tenants, as supporting the claims of the tenants in other provinces,

though wholly inapplicable to such demands. The facts and evidence which prove the inalienable right of the Ulster tenant to retain or sell what he has paid for with the landlord's consent, have been fallaciously and most adroitly used to make out a claim for the other tenants to sell what they never bought, to pocket the price of what they never paid for, and to keep as their own what belongs to the landlord.

It is as if it should be argued that because the purchase of commissions in the army, having received the sanction of the War Office, was recognised, and officers who had paid for their commissions were compensated by the Government, therefore every Government clerk, though continuing in his employment, should be paid down some ten or fifteen years' salary, or given permission to sell his office "for the best price." Even in such a case, if Government paid the purchase, there would be no individual hardship. But how would it be if every employer was bound so to keep his clerk, or compensate him for removal? There is much more similarity between the position of the officer who had paid for his commission and the Government clerk, than there is between the Ulster tenant who has paid for his tenant-right and the tenant of the south who has not paid anything for his possession. The labourers in the dockyard of Chatham and Portsmouth who, after years of faithful

service, were dismissed upon very short notice without a farthing compensation, had a much more just and honest claim to fixity of tenure in their employment, or compensation for the loss of that employment, than a tenant who has contracted for a tenancy determinable in a year has to a tenure for fifteen years. In how many mills and factories and shops has a great business been created by the skill and attention of some intelligent foreman or overseer! How many colossal fortunes have been made by the genius and brains and incessant toil, not of the lucky capitalist himself, but of those whom he may dismiss upon a month's notice! How much stronger would be the claims of these men to perpetual employment or compensation for removal, than any claims of a tenant, who is yearly enriching himself by the use of his landlord's capital—the land! The fatal principle which is sought to be established cannot fail to be extended to many classes and many employments, as soon as the employed can organise and combine for enforcing their demands; and thus the tide of democratic socialism will run on.

Can any thinking man for a moment doubt but that the onward rolling of that fiercely surging tide will be accelerated, not only in Ireland and England, but in many countries in Europe, by the fatal principle of confiscation in this Bill, by the fatal example of the uncompensated transfer of property, and unrequited repudiation of *contracts*?

4th. *Economic causes leading to Fixity of Tenure. Indebtedness and discontent of tenants. The shopkeepers and other creditors. Unwise Legislation.*

In the land agitation of 1880 it was well known that the publicans and shopkeepers in the small agricultural towns were among its principal promoters. The farmers had become more and more indebted to them for goods, and loans of money. They had been led into a system of obtaining goods on credit, and consequent extravagance, by a chain of circumstances which it will be necessary to investigate. These creditors feared when the bad seasons came that these debts would be wholly lost, unless the tenants obtained "Fixity of Tenure" or some permanent interest in their farms, which could be sold to pay them.

Having already considered the origin of the demand for "Fixity of Tenure," as arising out of political events as well as from social and selfish considerations (Part II., cap. iii., sec., 1, *a. b.*), the nature of the demand (*ib.* sec. 2), and some of the grounds upon which it is supported (*ib.* sec. 3), it still remains to consider the economic or financial position of Irish tenants, especially those having small holdings, in order to ascertain whether there is in it anything to account for this discontent, or anything which any legislation could effectually remedy; whether, in fact, there be any real grievance within the proper scope of legislation? The true position of the Irish tenant of a

small holding cannot be properly understood without considering the working of economic laws, operating upon the present mode of farming—by machinery or by hand-labour; upon the prices of produce—corn or meat, corn or butter; upon the want of other employments, while capital is increasing in the hands of at least a few skilful farmers and thrifty labourers.

*Real evils and cause of pressure. Small farms. Machinery. Increase of wages.*—Forty-eight per cent., or nearly one half of all those called farmers in Ireland, have less than fifteen statute acres of land each. About seventy-two per cent., or nearly three-fourths of the farmers (including the former), have less than thirty acres each.\* It is with these that the discontent and difficulty exist. It is chiefly with reference to them that any effectual legislation must be framed. They find that agricultural machinery is doing the work of mowing, of reaping, of binding, of threshing, and of winnowing, at one-third or one-fourth of the cost of their system of hand-labour, to which the smallness of their farms, the smallness of their fields, the smallness of their capital compel them to adhere; and that the cost of production is therefore more than doubled.† They find that

\* The numbers in 1879 were :—Under fifteen acres, 277,642 holdings; between fifteen and thirty acres, 136,649; over fifty acres, 161,749—total, 576,040.

† See Part I., Fair Rents, cap. ii., pp. 25-28.

from the cheapness of money, from the great profits of other industries, from the vastly increased profit of labour applied in attending agricultural machinery as compared with other agricultural labour; the wages of those employed in every industry have enormously increased, have more than doubled within at least thirty years,\* and have increased three-fold within the last fifty years,† while the profits of their own labour, unproductively employed upon their small farms, have not increased in anything like the same proportion. They find, again, as a result of free trade in corn, that while the prices of corn, which is the chief produce of their labour, have only increased but little within the last twenty-eight years, the prices of cattle and sheep, which may be reared almost without labour, have increased according to quality, from 50 to 136 per cent.‡ They find that in their customary round of tillage—potatoes, followed by wheat or barley, and that again by oats—they have little for the market except the wheat or barley, which has advanced but little in price, while the extensive farmer, upon the improved system of green crops and stall-feeding, has the full benefit of the very great advance in the prices of meat, of from sixty to seventy per

\* *Ib.* p. 26.

† The Commission of 1834, on the Condition of the people of Ireland, found that the average wages of labourers of every class was then from 2/- to 2/6 a-week.

‡ See Part I., Fair Rents, p. 15.

cent.\* He finds that if his land is suited for a dairy farm, and that he or his family cannot make butter fit for market, his profits from the farm are not half what the profits would be to one who could take advantage of the enormous increase in the price of good butter, seventy-two per cent., in the same time.†

Under all these circumstances, the small farmer finds himself, in an almost untenable position, pressed upon all sides by the irresistible influence of the working of economic laws. He sees that, with such prices, if his farm was surrendered and merely left in grass by the owner, it would yield a profit far exceeding the rent paid, so that the owner need have no anxiety to look for another tenant. He sees that if his farm was added to an adjoining farm of reasonable size, it could be tilled at much less cost, that if it was given to a man who had skill and capital, and could use machinery, and grow green crop and produce meat, or made into a dairy farm, the profits might be doubled. He sees many such men around him, some, perhaps, on the same estate, eager to take his place, while he himself has neither the knowledge of green-cropping and stall-feeding, nor the enterprise or capital to try it. He sees labourers who have put by money, and have been taught good farming under those for whom they worked for daily wages, longing for the chance of farms, even

\* *Ib.* pp. 13, 14 ; 81 *a.*

† *Ib.*

at much higher rents than those paid, and he sees those labourers eat, drink, and dress far better than himself.

It must be granted that the position of very many of these small farmers for some years past has been such as necessarily to fill them with alarm and discontent. They are just in the same position as the hand-loom weavers were upon the introduction of machinery ; as the owners of stage-coaches were upon the introduction of railroads ; as the owners of cabs and cars upon the introduction of tramcars ; or as the owners of sixpenny or fourpenny newspapers upon the establishment of a penny press. Their alarm is natural, because everywhere around them men of more energy, industry, skill, and capital, by the working of these economic laws, are making vastly greater profit than they can make ; and are ready to pay rents much higher than they are paying. Scotch and English farmers have also for many years taken advantage of the low prices paid for land in Ireland, and have settled upon farms there. They have also bought properties, and improved them. Mr. Bence Jones and Mr. Boycott's greatest crimes were their attempts to introduce English habits of punctuality and of skill in farming. The tenants of small holdings in Ireland are therefore in daily fear of their holdings being absorbed by these new men, whether English, Scotch, or Irish. These men of skill and enterprise are therefore



hounded down as the "Land Sharks and Land Grabbers who are ruining the country."

What is still more galling to these occupiers of small holdings is that, from the general rise of wages, and from the inexorable working of these economic laws, they find themselves in many instances reduced to a position inferior to that of the ordinary day labourers, or even of the common agricultural labourers around them; and what must be most distressing to every real statesman, and every true philanthropist, is the conviction that no Fixity of Tenure, no diminution of rent, no legislation can alleviate their condition. The whole habit and system of the people must be changed, and the greater proportion of them provided for elsewhere before any permanent relief can be obtained.

*This natural pressure of the working of economic laws attributed by them to wrong causes.*—Many of these tenants upon small holdings being thus reduced to poverty, on the one side by being unable to keep pace with these changes in the science of agriculture and the application of agricultural machinery, not having the necessary skill, and their farms being unsuitable; and on the other hand, from their own neglect and want of skill; it was natural for them and their flatterers to find some other scapegoat on which to lay the blame.

(a) *Want of security for tenants' improvements untruly alleged.*—First it was alleged that the enterprise and industry of the farmers, which might enable them to cope with these economic changes, was checked and hindered by the want of security for tenants' improvements. This was a plausible theory, but was true only to a very limited extent; for as a matter of fact, tenants, whether large or small, who paid their rents were very seldom disturbed in their possession. Those who made improvements remained in possession, and continued to enjoy the fruits of their industry and enterprise. The number of families evicted, except for non-payment of rent, were only about 1 in 1,000 each year, and even of these evictions there were 16 per cent. in respect of holdings not agricultural, and 38 per cent. were brought by persons other than landlords.\* But supposing a decree for possession might be considered as a threat, the number of such decrees, for all causes, including those for non-payment of rent (in most of which the premises were redeemed), amounted to only from 4 to 6 in the 1,000 holdings annually.

Thus this alleged want of security amounted in fact to the disturbance of the tenancy by an actual eviction only once in a 1,000 years, and by the threat of a decree for possession, only once in 250 or 166 years. Even the Bessborough Commission were forced to find (par. 9), "that the landlords

\* See Part II., cap iv., sec. 1.

in Ireland have not harshly or extensively exercised their power of evicting tenants." For years the loudest and bitterest accusation against the Irish landlords has been, that they used the power of eviction in a wholesale arbitrary and tyrannical manner, and that therefore it should be taken from them, for by reason of it the tenants had no permanence in their tenure and no security for their improvements. Upon these allegations were based the successive bills brought into Parliament by the Land Agitators. Upon these Mr. John Bright based his famous diatribes against the Irish landlords. Upon these Mr. Gladstone justified his incitements to agitation. Acting upon such advice, and propagating the same falsehoods by the platform and the Press, the Irish revolutionary agitators stimulated all the worst passions of the people against the landlords as a doomed class. Then this Commission was appointed by Mr. Gladstone; the secretaries and agents of the Land League in every county, and the tenants of the whole country were invited, even urged, to come forward and prove this alleged abuse of the power of eviction by the landlords; and what is the result as shown in this Report of the Commissioners? So far from reporting that there was any truth in these accusations against the landlords they report the very opposite. In paragraph 8 they find that "by a species of popular consent, *almost universal* though without legal sanction, tenants in this

position [tenants from year to year, liable to be evicted by a six months' notice at the end of any year], have been regarded as possessing an interest in their holdings of which, so long as they paid their rents, it was thought unfair that they should be deprived." Paragraph 9—"A tenant who pays his rent is very seldom evicted; and even if the rent falls into arrear it has not been the general or the prevailing rule that ejectment should follow as a matter of course. Farms have remained in the same families, have descended from father to son, and are considered to be fully as much the family property of the tenant as the reversion of them is part of the family property of the landlord. These tenants have not been protected by law, or by any such general acknowledgment of their interest as could be called a local custom. Such protection as they had was due to the prevailing *sentiment* which affected the conduct, though it could not modify the legal rights of landlords." Thus, so far from Irish landlords being the exterminators they were accused of being, it is now found, after the fullest enquiry by a most adverse Commission, "that a tenant who pays his rent is very seldom evicted," and that the landlords as a body have exercised their legal rights with such forbearance and kindness that farms held only upon a tenure from year to year have come to be "considered the family property of the tenant." Thus the whole fabric of falsehood upon which this com-

munistic agitation was based is at once demolished by the very Commission that was appointed to give it stability and influence. The cry of "Landlord Exterminators" which was designedly sounded through the Press, not only of the United Kingdom, but, to some extent, of Europe and America, for the purpose of justifying the meditated confiscation, is proved to be utterly without foundation.

The moral obligation not to confiscate the tenant's expenditure was fairly and fully observed by the landlords. But although in practice the tenants suffered very little injustice, yet prior to 1870, there was a want of *legal* security for tenants' improvements, and therefore a plausible ground of complaint. The Land Act of 1870, then, properly converted these moral and equitable duties, which had been on some few occasions harshly transgressed or imperiously neglected, into absolute rights which could be legally enforced. It secured to the tenants, in case of eviction, the fullest compensation for all reclamation of waste land, for all drainage of land or removal of rocks, for making fences or farm roads, as well as for all agricultural improvements of the soil and unexhausted manures. And also for all buildings and permanent improvements, and provided also, by a sweeping presumption, that all improvements found on the land had been made by the tenant, unless the landlord was in a position to prove the contrary.\*

\* See "Tenants' Privileges" in 1879, Appendix *post*.

This Act was ushered in by all the statesmen who promoted it, as certain to produce peace, prosperity, contentment, industry and enterprise among the agricultural population of Ireland. It was acceded to and accepted by their political opponents, and by very many of the landed proprietors of Ireland, as a final settlement of the claims of the tenants. The Act had ten years of trial, and these anticipated results did not follow. All tenants' improvements were fully secured by the Act, and yet industry and enterprise were not stimulated. Instead of the promised contentment came only disturbance, agitation, violence, and outrage. Like all legislation, based upon false premises, it necessarily failed of its intended effects. The alleged want of security for tenants' improvements was, in practice, from the first a sham, and therefore when that security was fully given by statute, in ninety-nine cases out of every hundred it added nothing to the security which the tenant previously had by reason of the moral obligation under which landlords had generally acted. If it had been the practice for landlords, prior to the Act of 1870, to confiscate tenants' improvements, and to refuse them just compensation, there would have necessarily been numerous applications under the Act; landlords would not, as if by magic, have become instantaneously virtuous; and yet the statistics show that even though the new element of compensation for disturbance was

introduced, about which it was difficult for a landlord to agree with a tenant, yet the applications for compensation have been very few compared with the number of holdings. The number of cases merely entered for hearing in 1876 were 473 ; in 1877, 598 ; in 1878, 557 ; in 1879, 409, and in 1880 there were only 347, or less than one each year for each 1,000 holdings. But of these, 172 cases were settled in 1880 without being heard, and thirty-nine were dismissed as untenable, while only in ninety-five were decrees made, or in less than one case each year for each 5,000 holdings. And while thirty-nine of the claims, or 10 per cent. were dismissed as being wholly unjust, the amounts claimed in the ninety-five cases decreed were held to be exorbitant, and were reduced to less than one-third the amount demanded. The amount claimed was £25,402 ; the amount decreed £8,204. What is still more remarkable is that more than one-half of the cases (forty-nine) occurred, and more than one-half of the money (£4,168) was decreed in respect of the Province of Ulster where the vaunted remedy of Tenant-Right already existed.\* The cause of the discontent was mistaken by some, and misrepresented by others, and therefore the legislation for removal of this supposed cause, however proper in itself, had no effect in removing the discontent. This serious blunder of

\* See Appendix, " Proceedings under the Land Act, 1870."

continually mistaking the true seat of this disease, and legislating for shams and fictions even when, as in that case, the legislation was proper, unless the legislation is duly guarded, too often gives birth to unreasonable hopes and demoralizes the recipients.

(b) *Alleged Rack-renting, and Exorbitant Rents.*—The next cause assigned for all this poverty and discontent, was the alleged “rack-renting,” and “raising of rents,” and alleged “exorbitant rents.” At the commencement of the agitation of 1880, every platform rang with these allegations. The distress caused by the failure of the crops of 1879 was falsely alleged to have arisen chiefly from the past and present excessive rents. The universal cry among the tenantry was, to prevent the raising of rents. And yet, the statistics shewing the enormous increase in prices,\* and the very small and partial increase of rents, with the enormous prices paid for the tenant-right in Ulster,† subject to the existing rents, all proved these allegations to have been utterly groundless. This fact is confirmed even by the Report of the Bessborough Commission, which admits that “it has never been the practice for landlords in Ireland to exact the full commercial rent.”‡

\* See Part I. Fair Rents, Cap. ii., pp. 13, 14, 15.

† *Ib.* pp. 20-22.

‡ See *ante*, p. 108.



(c) *Excessive Competition. Earth hunger.*—The next cause assigned was the “excessive competition for land,” “the earth hunger,”\* which, it was said, unduly increased the rent of land, but when rightly understood, this competition only proved that these very farmers were monopolizing the land at an under value—at an under rent, and hence the intense eagerness of others to get possession of the coveted land which they murmured at having to pay for. Whatever effect this excessive competition for land might have had, it certainly had not, as a rule, caused the rents of the existing tenants to be unduly raised. Rents, as already stated, were as a rule considerably under what would be a fair commercial rent, and therefore this competition for land afforded not the least explanation or excuse for the existing poverty, and discontent, and agitation. This has been already fully proved (Part II., cap. ii., *ante* p. 98).

This deplorable state of the great body of the small farmers in 1879 and 1880, after allowing for the successive bad harvests, was due to causes more deep and sad, and more destitute of hope for the future than any of these shallow excuses got up in order to justify a long-meditated policy of confiscation. It was not due to any real want of security for tenants’ improvements, to any pretended general rack-renting, nor to the excessive competition for land, however real.

\* See Part II., Cap. ii., pp. 100-103.

*Unwise legislation a principal cause of poverty and discontent.*—When the new era of legislation, which commenced in 1869, substituted “Irish Ideas” for the principles of Political Economy, by setting aside the laws of property, and freeing men from their contracts as soon as they violently refused to fulfil them, by confiscating the property of one class for the purpose of buying off the discontent and turbulence of another; then other influences of an unusual kind were brought to operate powerfully upon the minds and habits of the tenants. By the Irish Church Act of 1869, as already stated, Glebe lands, amounting to some £100,000 a-year, had been confiscated, and given to the occupiers as a deferred gift.\* The tenants of other lands saw no reason why such gifts should be bestowed upon a favoured few, and were therefore discontented. Then, by the Land Act of 1870, all contracts for tenancies from year to year were conditionally annulled in favour of the tenants. They were secured in the continued possession of their holdings, unless the landlords should be willing to pay the compensation for disturbance under the direction of the County Court, upon a scale varying from seven to one year’s rent. In case of such disturbance these Courts were empowered, as has been already shown, to transfer £20,000,000 of money from the landlords to the tenants. By the same Act the

\* See *ante*, p. 142.

tenant-right of Ulster, resting upon the fair equity of purchase with consent of the landlord, and generally acknowledged by him, was, for the first time, converted into a legal right. The value of the property so legalised and confirmed to the Ulster tenants, has been estimated at £50,713,200.\* Power was also given to the tenants of all lands sold in the Landed Estates Court to purchase their holdings, with Government money upon terms that made it merely a deferred gift of the fee-simple of the land. Some politicians honestly, but foolishly, thought these bounteous gifts would beget gratitude, and that security of tenure would produce industry and contentment; but the recipients of the gifts only looked upon them as bribes to reduce them into obedience to law, and to the English rule, and into some respect for the rights of property, and therefore they have kept bargaining for further bribes, by increasing their turbulence and violence. When we turn to the facts, and look at the immediate consequences of this legislation, we find a dark and gloomy record of evils flowing from the folly and injustice of the principles upon which it was based.

*The interest given unpurchased to the tenants led to reckless borrowing and excessive debt.*—Thus the legalised Tenant-Right, the Compensation for Improvements and for Disturbance, all became

\* See *ante*, p. 173.

interests of a tangible money value secured to the tenant.

The compensation for disturbance was a gift of property to the tenant, without labour and without purchase, and had a demoralising effect.

The farmers then very generally thought that they had a property to draw upon ; that they could then compete in expenditure with the labourers around them, receiving high wages as before mentioned. They had been given a property, and an interest in their farms which, though not saleable apart from the farms, was sufficient to enable them to obtain credit and to borrow. A succession of good seasons followed down to 1876, and the borrowing and the spending went on. The "local banks," the "loan fund banks," the "village usurers," the "gombeen men," all gathered round to make their harvest. The larger banks followed, and established agencies in every respectable town, and appointed managers, whose employment and continuance depended upon their making a local business.\* These supported and stimulated the trade of the smaller usurers, and gave them the credit upon which to carry out their ruinous trade. The shopkeepers became the receivers of the money borrowed by the farmers, and as it was natural, enormously increased their credit to them ; and thus, from this double stream of loans from the banks and usurers, and of credit from the

\* See Appendix, No. of Banks.

shopkeepers, the farmers felt no want. Agricultural business also became inflated, and the prices of farm stock unduly raised for a time. This gift of compensation for disturbance, and of an interest in their farms, had its natural effect according to the working of economic laws. Instead of thrift, it brought extravagance; instead of habits of industry, it brought habits of borrowing for—

“Borrowing dulls the edge of husbandry.”

The good seasons down to 1876, kept all afloat. The bad harvest of 1877 made the banks draw in; but the usurers, lending at higher interest, took their place. The bad harvest of 1878 made the pressure more severe, and the banks got largely paid. The landlords did not press, and arrears of rent began to accumulate. The shopkeepers, for the most part, still held back, hoping not lose their customers. But the disastrous season of 1879 precipitated the crisis, and the creditors looked each to their own immediate safety. In Donegal and the West there was a real danger of famine. In the rest of Ireland the deficient crops were insufficient to meet one-half the liabilities. These interests of the farmers in their holdings, though apparently good enough to lend or give credit on, as being capable of being realised in the last resort, were found to be only available if the compensation became payable upon eviction by the landlords. The shopkeeper or other ordinary creditor could not, except in Ulster, sell the in-

terest of the tenant holding from year to year, for the landlord might not admit the purchaser, and in Ulster they could generally only sell subject to the landlord's approval of the purchaser. The shopkeeper had therefore to look to the crop, and it alone. But there was here again another impediment in his way. If he obtained an execution or decree, and went to levy it against the farmer's goods, the rent to the amount of one year's arrears should first be paid to the landlord, under the just provision of the statute that the rent of the land which produced the crop should be the first charge upon it, so that the shopkeeper could only get paid through the contrivance of the tenant.\*

*Shopkeepers and other creditors combine with the farmers for Fixity of Tenure.*—Violent agitation followed. This led directly to a combination between the country shopkeepers and the farmers, and supplied the principal elements of the Land League agitation. In every town and village the chairmen and secretaries, and principal movers in the agitation were the publicans and shopkeepers, who had thousands due to them from the farmers for shop accounts. The cry at every land meeting was, "Pay the shopkeeper first," then buy again from the shopkeeper "all that you think necessary for your own comfort," and "if any be left give it to the landlord." The part of the programme to be

\* See confirmation of this, *post*, p. 200, note.

acted on at once was, "hold the harvest," and it was done by unheard of violence and outrage. The other portions of the Land League programme which were for the farmers' benefit—Fixity of Tenure and Free Sale—or a complete abolition of "landlordism" and of landlords, were to be seen in the not distant future, and to be struggled for; but the immediate practical and certain result of it was to deprive the landlords of nearly all rent in 1879 and 1880, and to turn the harvests of those years into the pockets of the shopkeepers.

The shopkeepers had the like control over their debtors among the labouring classes, and they were necessarily forced to swell the ranks of the agitation, though it was directly opposed to their own interests. These were the elements which unscrupulous agitators had to work upon for their selfish and party purposes. Fenianism, in the back ground, saw its opportunity. It was therefore easy to raise the cries, "The land for the people," "Down with landlordism," "Hold the harvest," "Cease to pay rents you may choose to call unjust rents." Ribbonism was taken in as an ally, and its rules as to not paying rent, not permitting tenants to be evicted—not permitting land to be re-set when a tenant was evicted, were all adopted, and publicly proclaimed on every platform. Their rules as to the assassination of those transgressing their "unwritten laws" could not be adopted, but were broadly hinted at by many speakers.

*Speeches of Radical Statesmen stimulate the agitation. The fatal principle of the Bill of 1880 increased it.*—Into this seething mass was thrown the cunning and wreckless election speeches of Mr Bright, at Birmingham, and Mr. Gladstone, at Midlothian, and thus every evil passion, of cupidity, dishonesty, class hatred, love of communistic plunder, religious jealousy, and national antagonism were stimulated to the utmost. One check alone remained, the tenants knew that the landlords had still the power of eviction, and naturally feared lest this universal conspiracy against rent, joined in by those who were able to pay, might be met on the landlords' part by eviction for nonpayment. Those whose speeches had stimulated the agitation were now in power, and were urged to protect the farmers whom it was feared might soon be made the victims of the violence committed. The Disturbance Bill, which would have prevented all evictions for two years, was brought in by Government, and passed through the House of Commons in July and August, 1880, and the seeming sanction of one branch of the legislature was thus given to the entire communistic movement. The tenants were seeking by fraud and violence to make themselves the owners of the farms on which they lived, subject to no rent except what they might themselves think fit to pay, and seeking upon these terms to continue irremovable. The House of Commons, under the fatal guidance of



Government, endorsed the programme by adopting this Bill, giving fixity of tenure for two years whether any rent should be paid or not. The Bill was not accepted by the Lords, but the evil had been done. The agitation so sanctioned rolled on and gathered strength. Agrarian outrages, hitherto unequalled in number and violence, soon followed. The Queen's Writ ceased to run in Donegal and the West, and in several midland counties. The whole executive power of magistrates, judges, juries, and police was paralysed. British law in those counties was completely set aside and mocked at, and the "Law of the Land League" was alone obeyed or feared. Such has been the fearful outcome of the first sanction given by the House of Commons by that Bill to the principle of Fixity of Tenure.

Such then was the position of the great body of the tenant farmers, unable to resist the pressure of those economic laws, or to keep pace with either large farmers possessed of skill and capital around them, or with the labourers enriched by the great increase of wages—first allured into extravagance and debt by the interest conferred on them by the Land Act of 1870, until they came entirely under the power of their creditors, the publicans and shopkeepers and local usurers—then, flattered by designing agitators into the expectation that they could all be made owners of the soil without expenditure or purchase. "Fixity of

Tenure" was to be the talisman by which all was to be turned into gold.

*Consequences ruinous to both the farmer and the landlord.*—Is it not clear to every thinking mind that the effects of Fixity of Tenure could be no other to the great body of small farmers than the effects of its forerunner, the compensation for disturbance under the Land Act of 1870. These effects have been shown and proved to be—temptation to borrow—increase of indebtedness to the shopkeepers—liability to an interest growing more and more usurious as the debt increased—inducement to the whole family to cling to and divide the property into which the farm had been by law converted—fixity and continuance of the whole family in an untenable position until the new capital to be bestowed by this Fixity of Tenure was again absorbed and spent as that bestowed by the Land Act has to a great extent already been. Then, on every side, these very farmers would be sold out and exterminated by their commercial creditors, and a new agitation and clamour would arise for a confiscation of the last remaining semblance of property still left to the landlord, his rent or annuity.

But while this would be the certain effect to the unfortunate farmer—for whose welfare so much hypocritical anxiety is now expressed by the grasping and unscrupulous creditors and usurers,

as well as by the trading politicians who now constitute the strength of the Land League—a very different result to these same eager and covetous creditors is contemplated and hoped for by them. As already shown (p. 194), the shopkeeper or creditor cannot now sell the tenancy from year to year. Fixity of Tenure is now demanded by them, not for the benefit of the farmers, but that the farms may be turned into a saleable property to answer the debts of these creditors; not that the farmers may be rooted in the soil, but that they may be sold out by the sheriff with all expedition, and that these creditors, the country shopkeepers and usurers, may in a large measure become themselves the owners of the farms;\*—not that the tillers of the soil, who, as the Report of the Com-

\* Just as these pages are going through the press there comes a telling confirmation of all that has been here said. A circular has been issued by the Land League to all its branches to point out how the shopkeepers and creditors can lay hold of the farms, keep them for their own debts, and prevent them from being sold for the rent. It says, "There are two means by which the tenants can accomplish this—one is by *executing a deed of mortgage, the other by getting a shopkeeper*, or some other person to whom the tenants owe money, to proceed against them in the High Court of Justice, and when judgment has been obtained, registering the same as a mortgage against the tenants' interest in the farms." Then follows advice that, there must be a real debt, or advance of money, to prevent the whole transaction being set aside for fraud. Thus, the unfortunate farmers are urged, if they have not debts at once, to incur debts, in order to put themselves at the mercy of the shopkeepers.—(See *Irish Times*, Oct. 22nd, 1881.)

mission has found, have continued upon the same farms from father to son for generations past, under the kindly feeling of the ancient proprietor and his heirs in succession, should be and continue the owners of their farms, but that these ancient friendships and kindly feelings should be all rudely snapped by the grasping commercial spirit of the age, and upon each accruing of a debt this tiller of the soil, whose father and grandfather have lived in the same home, under their benevolent landlord, should be at once sold up, and the publican, or usurer, or country shopkeeper, should, by purchase, establish himself against the landlord's will as the future tenant, and as would generally happen, should sublet either according to, or in spite of the law, at double the former rent. Under the hypocritical pretence of benefiting the tillers of the soil, the property of the landlords would be confiscated merely to pay the tenant's debts, and the "tillers of the soil," as soon as they had served the purpose of having the property taken out of ownership of the landlords, would be themselves ruthlessly and mercilessly sold out, that this same property might be transferred to these creditors, the real movers of the Land League. Instead of the tardy process of a twelve months' notice to quit, there would be the speedy remedy of the sheriff's sale, or a sale in equity in the County Court; and instead of the landlord's ejectment for non-payment of rent, with

six months to redeem, and compensation for improvements, there would be the rapid remedy of an ejectment on the title by the purchaser at the sheriff's sale, without even a demand of possession, or any compensation. These are the means by which it is pretended that peace and harmony will be secured to the agricultural population of Ireland.

*Tenant's power of sale is no "solvent" of the difficulties.*—Some unwisely thought that if the tenants had power to sell their interests, they would in common honesty be satisfied, and the difficulty would be solved. They supposed the alleged grievance consisted in the power of the landlord to determine a tenancy from year to year, even though the rent had been paid. The Report of Bessborough Commission takes this view (par. 68). It says, "The concession of free sale will introduce a much needed solvent." . . . "Let the sale be free and fair, and there will be no feeling in the emigrant that he has been ousted, and no outcry at home against 'ruthless extermination.'" The events of 1880 and 1881 have, up to the present, completely disproved this fallacy. During those years the landlords, on account of the odium caused by bringing ejectments for non-payment of rent, adopted another course, and in numerous instances took judgments in the Superior Courts for the debts. Other creditors did the same, but

when the sheriff came to put in force this "much needed solvent," what was the result? In no instance in three Provinces could a sheriff dare to put up a farm for sale unless under the protection of from fifty to five hundred military or police. In hardly any one instance for a year and a half did any *bonâ fide* farmer venture to brave the terror of the Land League, and break its rules by becoming the purchaser of a farm, no matter how low the price. At first every sale proved abortive, then an "Emergency Committee," and a "Property Defence Association" undertook to find purchasers, and they supplied agents, and brought orangemen from Ulster to bid at every auction and to force sales. In some instances the tenants, contrary to the advice of the Land League, then bought in their farms, as a large proportion of them were well able to do, but in many cases the farms have been bought in by the orangemen as agents for these societies, or for the landlords. During the months of July and August, 1881, the agents of the "Property Defence Association" attended sales upon 450 farms, and either bought them, or forced the tenants to pay the debts due, or to buy in the farms.\*

\* In their Report submitted August 31st, 1881, they say, "Within the last two months the agents of this Society attended forty-five sheriff's sales of stock, 109 sales of interests in farms, representing the interest of 450 individuals. The Society has at present 120 men out as caretakers, as well as 160 at present employed in saving crops.

It is mere childish folly to talk of the tenants being satisfied, if under the power of sale the farms are sold by the creditor or the landlord for the debt or rent instead of being evicted for non-payment of the rent. What the the tenants want is to be made the absolute owners of the land, free of rent if possible.

The mere service of the preliminary process for instituting a suit to recover the rent or debt has been for two years, and now for two months after passing of the Act, rendered almost impossible in many counties. How much more difficult the application of this supposed solvent of "Free Sale"?

On the 21st May, 1881, an attempt was made to serve such writs upon the property of Col. Hare, at "Davenport Castle," Co. Limerick. A force of 250 soldiers with 100 police arrived from Limerick. They found the bridges broken down, signal fires lighted upon the hills, and a mob collected. Stones were thrown from the old castle, and the whole party had to retire—the result of the feeble folly of an incompetent Executive. On the 2nd June Her Majesty's Guards arrived from Dublin, 330 strong, with 300 police, and then the services were effected. This is only a sample of what has been going on almost every day for twelve months. On one day in September, 1881, the Lord Chief Baron granted 183 applications to substitute service of writs through the post office, upon sworn

affidavits that the process-servers could not make the services even at the risk of their lives. Is it not insane folly under such circumstances to talk of appeals to feelings of honesty or justice under the idea that liberty to sell will prove a "solvent"?

The farmer has been taught that he has a right to cling to the soil, that he may repudiate his contracts and his debts, and therefore he will think the grievance as great to have his farm sold by a creditor as to be evicted from it by his landlord. By the violence of agitation he has already obtained a considerable share of the landlord's property, and is therefore encouraged to agitate for the rest. The principles of communism have been in part conceded. The property of the "owner who does not work" has in part been confiscated, and bestowed by Parliament upon the "occupier who tills the soil." His title to the remainder of the property is as good as his title was to the part which he has got. The principle of the Land League has been in part adopted: "Landlordism must be abolished," and the "occupier made the owner of the soil." These are, and have been of late, "Irish Ideas," as the result of the legislation already sketched out. The language of Mr. Gladstone upon the second reading of the Bill accepted this position, and went far to establish in the minds of the tenants this principle of communism. He said, on the 16th May, 1881, "The principles upon which we have proceeded are frank accept-



ance of Irish Customs." . . . . "We do not deny that it is a departure from the principle of freedom of contract." . . . . . And "I do not disguise it. I ask you to observe this, it is required by the circumstances of the country,"—the circumstances of communistic violence and anarchy which a winking Cabinet and a halting Executive nursed into the perfection of civil strife.

*Power of sale no "solvent" for the farmer.*—In one respect, Fixity of Tenure and the power of sale may be a "solvent" in a manner least anticipated or desired by the unlucky farmers, many of whom have been duped by the money-lenders and shopkeepers to whom they are indebted. It may be a solvent by giving the tenants an interest in their farms which can at once be sold out by these creditors in spite of the landlords. The power of the landlords was often a double protection to the tenant from year to year. It protected him from himself by preventing his obtaining extravagant credit, and thus incurring reckless debts, and it often protected him when he had incurred debts, by preventing his farm from being sold, as no one ventured to become the purchaser of a yearly tenancy without the landlord's consent. This double protection is now removed, and in a short time the money-lenders and shopkeepers who, in every agricultural village, are generally the secretaries and presidents of the Land League,

will be very likely to use their unrestricted power and sell out the interests of these very tenants, on whose behalf they have *seemed* to be so earnestly and unselfishly promoting the agitation. They will now make sure to pay themselves for their trouble, by transferring to their own pockets the first instalment of the plunder robbed from the landlords. The tenants will not be likely to receive from them the same consideration or indulgence which they did from their natural protectors the landlords whom they have now repudiated.

*No solvent of disaffection. American Purchasers.*—In the lamentable state of discontent and disaffection, and of hatred to English law, English Government, and the English connection to which the greater proportion of the population have been brought, there is much more to be solved than merely the casual disputes between a few tenants and their landlords about the rent. Will the power of sale act as any solvent of these difficulties? All the influence of the landlords was in favour of settled law and order, of the English Government and connection, and of the progress of civilisation. All this influence has been destroyed by “Fixity of Tenure,” and “Free Sale,” and the dominant power of the disaffected classes has been substituted. The evil does not rest there, for if it should suit the purpose of disaffected Americans to settle in this country, to use the

Land League money collected in America, or to speculate with their own in buying up farms in Ireland, this "solvent" of Free Sale has solved for them any difficulty that might have existed in the way of preventing them obtaining upon Irish soil a fast and permanent footing for the promotion of their evil designs. By this Free Sale every landlord in Ireland may, in a few years, have his estate studded with republican communists, working for the grand and glorious prize of a Republican Ireland independent of England, and in which, for a time at least, they may bear unbridled sway.

*Inferences to be drawn.*—It has thus been shown that this demand for "Fixity of Tenure" had its real origin, not in any inherent evil or injustice in the existing land laws, nor in any general oppression of the landlords in the exercise of their rights, nor in any widespread disputes between the landlords and their tenants individually, but in events partly political (sec. 1 *a*), and partly social and selfish (sec. 1 *b*).—*Political*, as arising out of the exercise of the franchise, by tenants from year to year, in a manner antagonistic to the landlords: and much more as arising out of the several National movements for a separation from England, a course earnestly resisted by the landlords as a class.—*Social*, as arising out of the tempting example of the custom of tenant-right

long existing in one Province,—as a demand stimulated by the reiterated false assertions that tenants' improvements were often and largely confiscated by unjust landlords, and that numerous tenants were evicted without cause; assertions proved to have been exaggerated and unfounded.

It has been also shown\* that the course pursued by the Roman Catholic Hierarchy in challenging the legal right to property in possession for hundreds of years has fed the expectations, and stimulated the cupidity and violence of the tenant-class, while unwise legislation raised their hopes and excited their worst passions beyond all bounds; that the partial gift of the Glebe lands of the Protestant Church to the Roman Catholic tenants by the Church Act of 1869,†—the placing of £20,000,000‡ worth of the landlords' property at the disposal of the County Courts for the benefit of the tenants under the compensation clauses of the Land Act of 1870,—the threatened abolishing, by the Disturbance Bill of 1880,§ of the power of enforcing the payment of rent,—and the reckless and exciting language of leading English statesmen, were the direct and natural causes of the agitation, violence, outrage, and civil strife which have for two years overturned all law and order, dissolved the bonds of civilised society in Ireland, and reduced a large portion of the country to

\* See *ante*, p. 134.

‡ See *ante*, p. 146.

† See *ante*, p. 140.

§ P. 150.

a state of anarchy but little removed from barbarism.

The economic causes, which led naturally to much of the real distress and discontent, have been traced\*—first, to the subdivision of farms, the natural clinging to the land which from year to year has been encouraged, and promoted by the same unwise legislation; and next to the borrowing, reckless expenditure, and overwhelming debt induced and rendered possible by the same misguided legislative palliatives; while the permanent interest to be carved out of the landlord's estate for the tenant under the name of "Fixity of Tenure" is struggled for and fought for by the money-lender, the shopkeeper, and the other creditors of the tenant, not for his benefit but their own, that his interest may be sold out upon the first opportunity, and the amount of their debts realised and secured, while the land may be thus made clear for the investment of American communists to pursue their work of establishing an Irish Republic, free from English landlords and English Government.

These are the sad results of the past course of legislation in this unhappy land, each successive stage of which was ushered in as a "message of peace," with a positive assertion of the sure result of a new era of rest, prosperity, gratitude, contentment, and loyalty. The new Land Bill is yet

\* *Ante*, Part II., cap. iii., sec. 4, p. 177.

another "message of peace" of a still more fatal and destructive kind; a message of bitterness, and strife, and litigation, and stimulated cupidity, and of the wildest expectations fed by the unexampled success of communistic agitation, truculent violence, unpunished outrage, and blatant disloyalty. In this instance the patient has not been permitted, after the opiate draught, even the usual temporary repose before the next outbreak of mad delirium. But the robbery of crops, the burnings and boycottings, and maiming of cattle, the beatings, and shooting at, and murdering have gone on up to the present without interruption. The *Irish Times*, a very moderate and calm-thinking journal, writing on the 3rd of October, 1881, at least six weeks after the Land Act had virtually passed, said—"The existing condition of affairs has become well nigh intolerable. The evidence of this that lies on our table is overwhelming. From many parts of the country we have complaints of the disorder that prevails and its consequences, not by any means complaints of landlords only, but complaints also from professional men and shopkeepers," . . . saying, "it is not possible for them to combine to make their voice heard from the local inconvenience that would follow," . . . "an unrest and turmoil that are nothing short of national suicide," . . . . "it most certainly means destruction for men of every class not excepting the poorest in a distracted community." . . . .

“The time for levity is past. The cry that reaches us of distress from confusion and arrest of business is well nigh universal.”

This is the final outcome of the events which an attempt has been made in the foregoing pages to trace to their true source. The future is dark and gloomy indeed. In the month of September, 1881, there were 389 agrarian outrages.\* If even now a faint hope remained that the worst had been passed there might be some consolation, but on the contrary, this last fatal step of the Land Act of 1881 seems to have crossed a barrier, over which there is no returning except through an ordeal fearful to contemplate.

Contract and property in land have been abolished, and the whole agricultural population, landlords and tenants alike, and all their business transactions have been handed over to three Commissioners, with an autocratic power surpassing that of the Sultan of Turkey or the Czar of Russia, with a constituted authority to decide, not matters of fact or matters of law, but matters of opinion as to what should be the income and expenditure over £16,000,000 a year arising out of land and all its intricate dealings. Even now the plague has overleaped the limits of land and invaded the precincts of commerce and trade, and labour

\* This included 6 cases of murder and firing at, 24 of assaults, 24 incendiarism, 109 of attacks on houses or like intimidation, and 189 threatening letters (See App. V.).

and wages, and threatens to sweep all before it. These Commissioners are bound by no law, restrained by no precedent, and subject to no public opinion except that of a communistic violence, which has superseded the judicial, and executive, and very nearly the legislative, authority of the country. When that violence has been strong enough to paralyse the arm of judicial power, to warp the opinion of the legislative authority of the United Kingdom, and to defy and overcome the executive authority in Ireland, what can be hoped for from the power of three Commissioners? If their judgments possessed the wisdom of Solomon, that wisdom in the face of such an organisation would be their weakness. "Contract" and "property" were fulcrums of power resting upon solid foundations sufficient to bear the machinery of public law and executive authority, if rightly put in force, while the decisions of Parliamentary Commissioners will be found but flimsy substitutes, that will melt like wax in the fiery furnace of the present agitation, until, it may be, that the public scandal of a nation wholly given to anarchy may rouse the United Kingdom into a fury of energy to urge on the executive at last to crush out the hideous scandal. This is the result of the course which has been pursued in the interest of *concession* and *liberty*! These are sad and gloomy prospects, we may only hope for something better.



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THE first false assertion is that "1

very exceptional period between 1847 and 1851, when the necessary result of failure of the potato crop, and the famine of the former year, were thinning the population. In articles in magazines,\* in the newspaper press, and in speeches in Parliament, continuously during the year 1880, the number of ejectments, and of holdings surrendered, in those years are all given afresh, and relied on as proving the numerous and heartless evictions. The enormous decrease of the population during these famine years is attributed to heartless evictions. The consolidation of farms is attributed to heartless evictions. The emigration is attributed to evictions. The famine, and misery, and discontent are attributed to evictions. All have been persistently, designedly, heartlessly, and for the most part falsely, attributed to the alleged cruel evictions by the landlords at that period. It is necessary, therefore, before giving the statistics of recent evictions, to refer to the changes of tenancy during the famine period, from 1847 to 1851, and point out the circumstances under which they took place.†

(a) *Causes which led to the depopulation between 1847 and 1851.*

The number of ejectments and changes of tenancy from 1847 to 1851, and the consequent

\* See Article of Mr. T. P. O'Connor, M.P., in *Cotemporary Review*, Dec., 1880.

† See Appendix, Ejectments, 1849-1880.

consolidation of farms, resulted entirely from the failure of the potato crop in the very exceptional years of 1847 and 1848. These ejectments cannot therefore in any fairness or justice be laid to the charge of the landlords of the present day, or alleged as a reason for stripping them of their property or power. For any who do not remember those times, it may be necessary to give some of the facts, as they convey the most instructive teaching as to the events of the present day. The history of the terrible disasters of that period, and of the causes which led to them, contains the most solemn warning against repeating again the same mistakes, and, through misguided sympathy, preparing the country for a repetition of the same horrors. Prior to 1846, the potato crop had grown luxuriantly. There had been a succession of good harvests. The people were satisfied with the poorest fare; they earnestly sought from the landowners the privilege of getting a potato patch on which to live and multiply. Too many of the landowners granted these requests where it was not wise to do so, and also allowed subdivision without restraint.

*Burning the land.*—From the end of the last century, when a farm had been destroyed by bad farming, the expedient was adopted of burning the surface of the grass land (if any) that remained; a crop or two were thus obtained to meet the wants

of the immediate present, but the land was thereby rendered almost useless for the following ten years. This terrible evil was not limited to small farms, or poor tenants. At the beginning of the century it assumed such gigantic proportions that the people and the land were brought to the verge of ruin. Owners of large farms held on long leases, and owners of small properties, becoming involved in debt, or grasping at immediate and sudden gains, had recourse to the desperate expedient of burning the surface of even the richest grass lands. Neither common prudence, nor the law with all its executive power, nor any consideration for the rights of others, could then deter the occupiers of land from these acts of covetous destructiveness. The question may very soon arise again whether the occupiers who are elevated by these statutes into owners, or part owners of the soil, may not again plunge into the same destructive courses. A writer of long experience, in a pamphlet published in 1880, under the name of an "Anglo-Irishman," and entitled, "Help for Ireland,"\* gives a full description of what came within his own knowledge. He says (p. 8), "A tenant burnt thirty acres of the feeding parks, and let it off in roods at £10 an acre, for potatoes." . . . "Next year he sowed wheat, and sold eighteen sacks per acre, at £2 4s. a sack," . . . "he then ploughed

\* London : Kerby and Endean.

and harrowed it, set it again without manure at £10 an acre, for potatoes, and then sowed wheat again . . . .” “This shows there was *an immediate profit to the farmer of fully £2,300 on thirty acres in four years*, after paying all rent and expenses;” but he says again, “*from that day to this no wheat has ever been sown in that field.*” The sad reflection which sinks deep into the mind of every owner of land in Ireland who has had any experience of these matters now is, How can a recurrence of these and similar proceedings be stopped if again attempted? The power of ejectment is gone. The tenant is part owner. It will be said that the interest of the landlord is now too remote for him to interfere. The land is the tenant’s, and the landlord has only a chance of a reversion after several periods of fifteen years. It can be only a petulant and officious tyranny that makes them interfere!!! The same writer graphically describes the system under which the tenant, at the expense of only about ten shillings an acre, for merely “skinning” the land, was able to set it in roods by auction, sometimes at £12 12s. an acre, deciding the portions by lot, and adds (p. 5), “Little did I know what germs of future mischief were then being developed, and what a dark history of crime here had its initial movement; what feuds, discord, and hatred; what protracted law suits, wholesale ejectments and prosecutions for murder; what fines, imprisonments, transportations, and hangings?”

No words that I am master of can convey an adequate idea of the evils which followed."

The legislature intervened time after time, and endeavoured to check the terrible evil,\* and the landlords seeing their properties utterly wasted, and their tenants rushing headlong to ruin, endeavoured to enforce the statutes, and punish the offenders, but "the selfish fury of the people knew no bounds . . . a perfect mania seized the whole people;" then says this writer, "such swearing, and counter-swearing, such recrimination, such devilish devices, such legal ingenuity, subterfuges, evasions, and perjuries were never, I believe, equalled in any age or country." A farmer who had let a number of these plots had some disputes with the people, and was assassinated in the open day; six of the men were executed, and there was left "the terrible seed of undying hatred that day sown deep down in the hearts of 20,000 sympathising spectators." Such is the terrible spectacle of a time when landlords were struggling to save

\* The evil effect of burning the land was observed as early as the reign of Geo. II., and a statute then passed against it. In 1764, by 5th Geo. III., the penalty of a fine was imposed, or the alternative of imprisonment for three or twelve months. In 1770 the penalty was made £5 an acre. It was afterwards made £10 an acre. This was still found ineffectual, and the evil went on until, by the 23 & 24 Vic., c. 154, s. 30 (the Act of 1860), the penalty was made £20 the statute acre. It was only then that the tenants could be prevented from begging themselves by the ruinous practice.

their tenants from the swift destruction which they were bringing on themselves. Such struggles with the landlords can never exist again ; the occupiers are no longer tenants, but part owners. Such statutes, with all others of a restraining character, will be found to be a dead letter. When the farmers come again to burn their lands, or auction their plots, they must be left to deal with the furies which they raise, and in the next wild struggle their assassins, if justice should overtake them, may probably find sympathisers as numerous as those in the case recorded. These circumstances are now referred to, only for the purpose of tracing some of the real causes of the utter break-down of the whole agricultural system in Ireland under the potato blight of 1846-47 ; and of showing how the perverse habits of the tenantry, when not checked by the most stringent restraints, led to their own utter misery and ruin. The terrible danger is now again impending lest the removal of all the power and control of the landlords may very quickly bring the whole country back into the same lamentable condition of poverty and ruin.

*Subletting and Subdivision.*—These expedients were also resorted to. The tenants who got long leases (in some cases leases renewable for ever) of 50, 100, or 200 acres at very small rents,—the class that it might have been hoped would have proved a body of “peasant proprietors,” such as is now

sought for, instead of becoming industrious and thrifty by this permanency or fixity of tenure, became the very reverse, and resorted to subletting at vastly increased rents, to supply the requirements of their idleness, folly, and pleasure.\* The late Daniel O'Connell, M.P., was one of those who indulged and encouraged this subletting of the land, and increasing of the population to a lamentable extent, and even twenty years before the famine, seemed quite unconscious of the impending danger. Speaking of those who suggested emigration, he said: "God help them; we would soon make up for the number if they sent half a million away." Speaking of middlemen, he said: "Middlemen are necessary to every country . . . *the greater portion of this country is let on leases for lives renewable for ever.*"†

If any statistics were forthcoming showing that this estimate of Mr. O'Connell's was then true, it would show that over the greater part of Ireland "Fixity of Tenure" once existed, and led to disastrous results. A curious commentary upon this subletting by middlemen was written in 1845 by

\* The conclusive evidence given upon this point, proved before the Devon Commission, will be found summarized in Lord Dufferin's book, "Irish Emigration and the Tenure of Land in Ireland" (1867), pp. 57, 96, 97, and 100 to 113. An instance is there given of a townland formerly held by two tenants, but then held in 422 lots, by twenty-nine tenants.

† See Dublin *Weekly Register*, February 10th, 1827.



Mr. T. C. Foster, Q.C.,\* as Commissioner of *The Times* in Ireland. He said: "What would be thought in Suffolk, for instance, of any man who should go there and take a dozen farms, as Mr. O'Connell does in Kerry, and sublet them to small tenants at three times the rent which he himself paid, he doing nothing but receiving the rents? It would not be borne, but if borne, it would soon make Suffolk what the farms of Mr. O'Connell are now, an abode of wretchedness and neglect."

These were the men who constituted the large class of rack-renting middlemen, who were universally admitted to have been a grievous infliction on the country during the first half of the present century. Almost every tenant, no matter what the size of his holding, desired to sublet, as they will certainly do again to-morrow, when the landlord influence is weakened or entirely withdrawn, as it must certainly be under the Act just passed. The evil and the danger of subletting had been felt so deeply at an early period, that vigorous efforts were made to prevent it by passing very stringent statutes. In 1826, all remedies for recovering the rent from such a sub-tenant were taken away. Further provisions were made by the

\* See concluding Letter of Mr. Foster, published in the *London Times*, December, 1847.

1 & 2 Wm. IV., c. 17.\* The landlord had the power of evicting for such subletting, and yet in many places such was the inveterate habit of the people, that all efforts to prevent it were entirely futile. The Devon Commission, in their Digest of the Evidence, summed the matter up by stating, that "the following is a fair example of the history of most Irish estates."

"The estate has been for ages in the family."

"Between the years 1777 and 1787, James Lord Caher let great portions of it *on sixty-one years' leases*. Lessees were conditioned in all cases not to sublet, and in most cases to build a good house on the farm.

"It is almost needless to state that there is scarcely an instance of a house being built by the lessee of the slightest value; and every lessee has sublet generally to a great extent.

*"These farms at the time they were let were all in grass, with scarcely any inhabitants on them, and the lessee held the whole farm.*

"There was no use in the head landlord attempting by law to have the clauses in the lease observed, as no jury would find a verdict against a tenant; for the probability was that some of the

\* By the 7th Geo. IV., c. 29, sec. 2, any tenant subletting without the landlord's assent, was not to have any remedy for his rent. By the 2nd of Wm. IV., c. 17, such subletting and assignments were rendered void, and still more stringent provisions were contained in 23 & 24 Vic., c. 154, s. 10.

jurors were in the same state as the defendants as regarded subletting."—*Digest Devon Commission*, p. 437.

Many landlords saw the impending dangers, and struggled against them, but in vain. The population increased from 6,801,827 in 1821 to 8,199,853 in 1841, or twenty per cent. in twenty years; and again to 8,295,061 in 1845, and this without any great impulse being given to trade or any other industrial employment; while in Great Britain, with its enormous increase of trade and of manufacturing industry, the population only increased from 14,091,521 in 1821 to 18,534,332 in 1841, or about thirty-one per cent. If there had been any considerable increase in other industrial employments in Ireland, this increase of the population would have been a healthy sign; but, on the contrary, almost the entire of this increase of population of one and a-half millions had to be supported out of the land, and the landlords found themselves powerless to apply a remedy. So long as the potatoes afforded the means of subsistence, the landlord was taunted with cruelty if he refused to allow the land to be burned for the purpose of sowing them, when at least one or two years' subsistence could be thus easily obtained. He was assailed in like manner if he refused to allow the sons to subdivide the farm, or the daughters to marry and settle upon a portion of it; or if he prevented the man who lacked the industry or

capital to work his farm from sub-letting it at a large profit rent, so that he might rest in the enjoyment of indolence and extravagance.

Some few landlords and their agents saw that the laws of political economy could not be thus violated with impunity, and that this burning of the land, this subdivision and subletting, this fixity of tenure for all the members of the family, were nursing a great and growing danger for the future ; but political and religious and "popular sentiment" were all against them as it is to-day, and they were compelled to succumb to it. It was that same "popular sentiment" which the Bessborough Commission and Mr. Forster, in their blindness and their folly, have thought sufficient to confer upon the tenant a permanency of tenure, and a property in the holding, and a right to sell it (see *ante* p. 163). The majority of the landlords quietly fell in with the desires of the people, which were then the "Irish ideas," and thus hastened the catastrophe. On the one side tempted with the offer of present rents, thus obtained more easily ; on the other, fearing the unmerited accusations of cruelty and oppression hurled at them from platform, press, and altar, and finding that all peaceful efforts to check the ruinous habits of their tenants were in vain, they too often allowed matters to drift, and left the people to work out their own destruction, by multiplying upon the soil, regardless of the inevitable conse-

quences of the working of economic laws, and careless of the future. The statistics showing the extent of this subdivision, will be given further on.

The prolific produce of the potato crop, and the fact that there was almost an entire population contented to live on it alone, formed the treacherous and fickle foundation upon which the whole superstructure of agricultural society was then built. The failure of the potato crop in 1847-1849 dissolved and withdrew this entire foundation. The whole system collapsed. Out of this population of 8,295,061 there were at one time over 3,000,000 receiving poor-law relief. The people had neither food nor employment. They struggled to escape from a famine-stricken land, and blessed the landlords who were willing to help them to escape, and were fortunate enough to have some little means to enable them to do so. There is no more cruel or heartless perversion of facts than the assertions now made against the landlords of that day, that they wilfully and designedly exterminated the people. Judge Longfield, whose wide experience has been already alluded to, was asked before Mr. Maguire's Committee whether a bad feeling existed on account of the landlords at the time of the famine having consolidated farms, and his answer was: "I do not think that had much to do with it; the tenants were voluntarily giving up their lands in great

quantities then . . . . *cases of forcible eviction for the proposed consolidation were very few.*"

The estates of Daniel O'Connell in Kerry, and many other estates, have left an indelible historic record of the evil of such a course of management. Many of the would-be land reformers of the present day would fall again into the same errors. Acting upon feeling, and not upon judgment or reason ; sometimes working up their imaginations, by poring over exaggerated and untruthful stories of oppression, of which from want of experience they have no means of judging ; sometimes, again, by dwelling upon real cases of misery, and unable to attribute them to the proper cause, they think that all can be cured if the State would step in and fix the rent, and destroy the power of the landlords ; that all tenants may be as free as those who have been pauperized by negligent or too indulgent landlords.

*Ruinous Extent of Subdivision in 1841.*—The returns given in the census of 1841 show the point to which the evil had then reached. There were in Ireland, at that time, 310,436 holdings, containing above one acre, and under five acres each—310,436 families to be supported upon these miserable holdings. They were not farmers, and, except in Ulster, they had hardly any other employment. They clung to the land in contented poverty, because the potato enabled them to live.

They burned the surface of the soil in spite of all advice of landlords and agents—in spite of the most penal restrictions of the statutes.\* They thus spent for a single crop some ten years' value of the land, for it would take that time to recover the exhaustion. They had no master over their labour, and no compulsory work, no ambition, and no regrets. It mattered not how many new additions to the family arrived, for the only change that this entailed was the sowing of an additional rood of potatoes. They had then, indeed, a help which they have not now; a fireside industry for their females, in spinning their own flax and wool for the linen and frieze required for the family. But these industries were necessarily swept away, and went to swell the fortunes of the cotton manufacturers of England. The mills of the Brights and Cobdens, who are ready to-day to be so exceedingly generous out of the landlords' pockets, were, at that time, absorbing the fireside industry of the poor Irish peasant girls, upon whose poverty their own colossal fortunes were in part built up.

The evil of subdivision did not rest there. Out of the remaining holdings there were 252,799, between five acres and fifteen acres—also too small under their system to admit of reasonable farming and the respectable support of a family—making together 563,235 holdings, containing

\* See *ante*, page 216.

between one and fifteen acres each, or more than 81 per cent. of all the farms in Ireland.\* In Connaught the averages were still worse, for the farms under five acres were 100,250, or nearly 65 per cent. of the entire, and those between five and fifteen acres were 45,400, or another 30 per cent., thus making the farms in Connaught, under fifteen acres, amount to nearly 95 per cent. of the entire, and this with an almost total absence of all other employment. So matters continued until 1847. The potatoes then wholly failed, the food of the year was gone, employment there was none, and the nation beheld 563,255 agricultural families, or some 2,500,000 people left totally destitute. Famine and disease soon did their desperate work, and happy were those who, by kindly aid, were enabled in time to escape from the overcrowded ship to a wider and better land, before the jaws of famine devoured them.

*Consolidation of Farms and its Extent.*—Between the years 1841 and 1851 these holdings under five acres were reduced from 310,436† to eighty-eight thousand and eighty-three, and the like holdings in Connaught were reduced from 100,250 to 18,463. This is now alleged to have been the work of cruel landlords, but then it was univer-

\* Thom's Almanac, 1878, p. 681.

† The present number is 227,502, or something over 50 per cent. See "Fair Rents," pp. 27 and 71.



sally admitted by the tenants to have been an absolute necessity. Thousands of ejectments were brought every year merely to recover the formal legal possession of farms that had been deserted. The families had emigrated, or gone to the poor-house, or the head of the family had died, and no one could be found able to live on the farm, or no one to claim it, and the legal form of an ejectment was necessary to enable the land to be handed over to another to be made productive.

Unscrupulous agitators, perverting and distorting facts, allege now that this was a depopulation by heartless and relentless landlords, and on this they base their demand for fixed rents and permanency of tenure.

*Over-population produced by Permanency of Tenure.*

But it was the very permanency of tenure and the easy rents that produced the over-population, and prepared the catastrophe of 1847. Most of these families had for generations lived upon the same holdings. This has been for years denied, and the great frequency of evictions is alleged as a necessity for granting fixity of tenure. But the Bessborough Commissioners have been coerced by the facts to find (par. 9) that "The tenant who pays his rent is very seldom evicted, and even if the rent falls into arrear, it has not been the general or the prevailing rule that ejectment should follow as a matter of course. Farms have

remained in the same family, and have descended from father to son." The tenants had, in fact, practical fixity of tenure. The old feudal feeling, not feudal rights, for they had been abolished long before, but the generous feudal feeling of the landlords for the people whom they had known from childhood, induced them to be easy about the rent, and to permit an endless division among the families of each succeeding tenant, until the inexorable and relentless consequence of economic laws brought down a terrible retribution. If the State should now, in a moment of panic, ignore these economic laws, and practically remove all influence of the landlords, thus making each tenant perfectly independent, and his tenancy permanent, it will reproduce the evil. If misguided legislation should thus hold out a still greater inducement for every member of the family to cling to the land and subdivide it, the landlord will be utterly powerless to prevent them doing so, no matter what semblance of authority the statute may leave him; and in a few years, the subdivision and overcrowding will have again prepared a large portion of the country either for another decimation, or a revolutionary outbreak of a starving people.

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the farms that were unable to support them, or escaped to where employment was to be had, and blessed the landlord who, in mercy, enabled them to emigrate. An instance of an estate in Clare, as lately published,\* may illustrate this. It says, "In 1847 the subdivision of farms had brought the estate to the condition that the entire rental of the estate was only 13s. 4d. *per annum* for each individual on it." Suppose that even the principles of the most extreme Land Leaguer were carried out upon such an estate, and that the Government bought out the landlords' interest, and made a present of it to the occupying tenants for ever, how long would the land feed them? A present of the fee-simple of the estate would only have added 13s. 4d., or a month's potatoes, to the income of each, and would have chained them for ever to the abject poverty of their potato patch. A wiser course was taken. "A ship was chartered by the landlord in 1847, another in 1848, and another in 1849; the emigrants were well clothed and provisioned, and a supply given to help them upon their landing. They went chiefly to Canada. They all did well. The whole estate was brought into twenty-acre farms, and leases for twenty-one years given to the tenants that were kept: these have ever since done well; they have succeeded, and pay their rents even now." Thus, the exigen-

\* "An Account of an Emigration,"—Dublin, 1880.

cies of supply and demand again were equalized, the glut of tenants or purchasers in the market was removed, natural laws began to operate, and industry was given scope to develop, and it brought prosperity.

Any legislation which would induce or coerce a large portion of those now living, or rather starving, on the land, to leave it for some other employment and some other field of industry, would have the same beneficial result, and the largest expenditure by Government in this way would be the best relief; but any legislation that, by reducing rents, or limiting rents, or giving more permanency in the holding, or checking the control of landlords or agents in the preventing subdivision, would only render the occupation of the land an interest more to be coveted and sought after. It would but increase the terrible "earth hunger;" make land still more an object of competition; and bring about again all the evils of over-crowding, and the danger of periodical famine with every bad harvest.

*Reflections upon these events, and upon the proposed removal of the landlord's control.*—It is essential for men of the present day to consider, and to be warned by what then took place. Upon those estates where the demands of economic laws had been somewhat regarded, where subdivision had been prevented, and the unemployed members of

the family, who could not find work upon the farm, pressed to find it elsewhere, the distress fell lightest; but where, by the indulgence and good-nature of the landlord, the occupiers had for years been allowed to do just as they wished, giving unrestricted scope to "Irish Ideas," such as Mr. Gladstone is now developing, they were found in such an over-crowded and helpless condition, that thousands were swept away by famine, destitution, and death.

All the horrors of a national famine were aggravated and intensified by the condition into which so many estates had been brought merely by the absence of proper guidance, restraint, and control. But now it is sought by giving Fixity of Tenure to the tenant, and imposing its accompanying disabilities upon the landlord, utterly to destroy all such guidance, restraint, and control. Even when tenants held only from year to year, under the power of the landlord, the greatest difficulty was always experienced in checking those evils. With permanency of tenure, and the tenant a part-owner, such interference would be resented as an insufferable tyranny. The flimsy checks and restraints proposed in the Land Bill of 1881 are inconsistent with the new and altered relation of landlord and tenant created by the Bill, and as they are proposed, are unworkable. When the occupier is made much more than part-owner of the soil, when the landlord cannot fix the rent,

nor settle the terms of a lease, nor choose a new tenant, nor recover possession from an existing one, it will be idle to talk of his exercising any guidance, control, or restraint over the occupation of such a part-owner. In the greater part of all the provinces of Ireland, the occupation of land is certain, under such a system, to relapse into the condition of the worst managed estates before 1847.

*(b) Evictions in recent years have not been numerous in Ireland.*

The groundless assertions in the press and on the platform, that this power of eviction has been oppressively used by landlords, have served as a justification for interfering with the rights of property, and giving to the tenant fixity of tenure, and power to sell his holding, though he paid nothing for it; and for imposing a judicial control over rent. There is no subject connected with the Land Question upon which plain facts have been more distorted and misrepresented than the subject of evictions. There is none upon which figures have been so adroitly marshalled to mislead.

Mr. Gladstone, in July, 1880, speaking upon the Second Reading of the Disturbance Bill, said that, "from the returns of ejectments reported to the constabulary, there were in 1876, 79 eject-



ments; in 1878, 834; in 1879, 1,698. In five months and twenty days of 1880, 1,060, more than double this year. But the total numbers were in 1878, 1,749; 1879, 2,677; and in the last six months, 1,690, showing an enormous increase upon the numbers of last year, and showing, in fact, that, unless it be checked, 15,000 individuals will be ejected from their homes." Now this is the testimony upon which the landlords are to be found guilty, and to have their property confiscated. What then are the facts? Even taking the largest figure, 2,677, which was the number, not of ejectments, but of evictions, for non-payment of rent in 1879 when the payment of rent was systematically resisted, it would only amount to about four in the 1,000 for the year, there being 576,040 holdings; but the truth is, that a large proportion of these evictions have been cases of houses and tenements in towns, and had no more to do with agricultural holdings in Ireland than an eviction from a house in London. An ejectment decree is not necessarily followed by an eviction. It is often only a means of recovering rent. But even so, the total numbers of ejectment decrees granted in the Civil Bill Courts for all causes and for every class of holdings, and whether executed or not, were in 1876, 3,844, or six for every 1,000 holdings, and in 1879, 7,061, or under thirteen for each 1,000 holdings.

*Alleged numerous evictions have been always used as the stock in trade of the agitator, and the excuse for agrarian crime.*—These figures might be sufficient to set the question at rest; but this matter of alleged evictions must be further dwelt upon, and probed to the bottom, and proved to be a hollow sham, because for years it has formed the principal stock in trade of every alleged Irish grievance—has been relied on as the principal justification for every insubordination and violence in Ireland, and for every attack upon the landlords' property,—and has been put forward as the sufficient excuse for every agrarian crime, not excepting that of murder.

Mr. Gladstone, with his touching eloquence, awakens the sympathies by picturing his "15,000 individuals ejected from their homes," and thus catches the support of all those whose feelings, at real or imaginary wrongs, are accustomed to supersede and dethrone their judgment. Mr. Bright and his political doctrinaires, out of a few natural and necessary changes of tenancy, conjure up a widespread fear of eviction in the minds of the tenantry, and build upon this "idea" of their own creation the pleasing theory of a want of permanency of tenure checking agricultural industry, and restraining improvements. They thus perform the pleasing task of at once accounting for and excusing all the indolence, poverty, and discontent of Irish tenants of small holdings, and discrediting the envied class of the landed

aristocracy. Upon these pretended numerous evictions, the Catholic priesthood raise their cry of the alleged heartless extermination of the Celtic race. Upon these the political agitators ground their appeals to the feelings, the passions, the prejudices, the cupidity, and the revenge of the people, and raise the cry, that "Landlordism must be abolished, and the soil of Ireland given to the people of Ireland."

*Tenant-right does not prevent ejectments in Ulster.*  
 —The object of these parties, one and all, is to maintain the present tenants in the occupation of their farms—to root the people in the soil. They blindly think that, if the landlords' ejectments are got rid of, these objects will be attained. "Fixity of Tenure" \* and Free Sale are proposed by Mr. Gladstone as the remedies to prevent ejectments, and to keep the tenants from losing their holdings. But under tenant-right in the province of Ulster, this "Fixity of Tenure" and "Free Sale" exist already to a large extent. If the rent be paid, the tenant can always sell his tenant-right upon finding a suitable successor, and is never evicted without being paid the value of his tenant-right, varying in price from ten to thirty-five years' rent: and yet in Ulster the number of ejectments is greater in proportion to

\* See how this is given by the Bill, *ante* p. 157.

the number of holdings than it is in any of the other three provinces—the number dispossessed of their farms is greater—the number, in the words of Mr. Gladstone, “ejected from their homes is greater.”

The number of ejectment processes entered for hearing were, in 1876, for each, 1,000 holdings; in prosperous Ulster, 10.3; in Leinster, 9.5; in Munster, 11.1; in impoverished Connaught, 7.7; and in all Ireland, 9.7 \* for each 1,000 holdings, including, as has been said, the Urban holdings. Thus the remedies, of “Fixity of Tenure” and “Free Sale,” introduced by Mr. Gladstone at the instance of the Land League for the purpose of “rooting the people in the soil,” has the very contrary effect, even when supported by all the industry and enterprise of the northern race.

*Nature of the evidence as to “Ejectment Decrees,” and “Actual Evictions from Agricultural Holdings.”*

—There are two classes of Returns, and each requires to be separately noticed. 1st. Returns of “Ejectment Decrees,” being decrees granted upon Ejectment Processes in the Civil Bill Courts, and judgments for possession granted in the Superior Courts, which, respectively, include all those numerous cases in which the ejectment process is used as the only effectual remedy for the recovery

\* See Table VIII.

of rent, but in the larger proportion of which the tenant is never disturbed in the possession. These are given very accurately every year in the Parliamentary Returns of "Criminal and Judicial Statistics." 2nd. The Returns of "Actual Evictions" where the possession has been actually taken. But even in these cases it will be seen that the tenants are very frequently put back, as tenants, or as care-takers, especially in Ulster, where they are very often allowed to sell after having been evicted. These are to be found in the returns made annually by the sheriffs.

The County Courts in Ireland have jurisdiction in all ejectments between landlord and tenant up to a rental of £100 a year, which covers some 85 per cent. of all the agricultural holdings, and since the year 1863 all decrees from these Courts must be executed by the sheriffs. The Judicial Returns made every year include the sheriffs' returns of evictions, both under decrees of the County Courts and under judgment of the Superior Courts, and therefore contain an authentic record of all evictions carried out. The evidence which is not there given is that in the landlords' favour—viz., the number of cases in which the tenants were put back as caretakers, or upon attorning to the new landlord, or in which the rent was paid, and the premises redeemed. There is also included in the return, to the landlords' prejudice, the number of cases in which the persons evicted were mere

bailiffs, servants, or labourers, or in which the premises were houses in towns and villages, and in no sense agricultural holdings.

There is another class of evictions not included in these returns—evictions granted at Petty Sessions for small houses and tenements—shewing how much more numerous these are than evictions of agricultural holdings.

The number of evictions from small houses and tenements, under magisterial orders, in 1879, was 10,549. The number of inhabited houses in Ireland in 1871, excluding 60,919 houses of the first-class, was 900,461;\* and, if from this be deducted the number of holdings of lands in 1871—viz., 592,590, the remainder 307,871 will be about the total number of houses in respect of which the 10,549 magistrate's orders of eviction were granted, amounting to over 32 in the 1,000 for the year, while in the agricultural holdings, including many urban residences, the evictions were only 4 in the 1,000.†

Thus even without deducting these urban residences from the return, the number of evictions from houses under magistrate's orders is four times as great as the evictions from agricultural holdings. The evictions in that exceptional year of 1879 would represent a permanency of tenure equivalent to 250 years. At the rate of 4

\* See Thom's Almanack for 1880, p. 631.

† See *post*, p. 256.

in the 1,000, each tenancy could only be evicted once in 250 years. This is the pretended tyranny of the landlords which was paraded as an excuse for the confiscation of their property.

These figures might be deemed sufficient to expose the hollowness of these accusations, but they have been made so persistently, and in so many different forms, that it may be better to set out the figures in full. These different returns must be each dealt with separately.

#### 1st.—*Ejectment Decrees.*

*Processes entered for hearing in the Civil Bill Courts.*—The total number of ejectment processes entered for hearing in the Civil Bill Courts in 1879 was 9,611. In the prosperous year of 1876 the number had been as low as 5,622. In the prior year 1875 the number had been 6,239.\* It will appear presently that the service and entry of such a process has been of late years necessarily adopted merely as a remedy for recovering the rent, and, as already stated, these ejectments include those brought for urban residences, those brought in consequence of the death of the tenant, or merely to assert title. Take them even in the exceptional year 1879, when the Land League organisation prevented the payment of rent, the

\* See Criminal and Judicial Statistics of Ireland for 1879, and Table VIII., *post* p. 244.

number of holdings being 576,040, the number of Civil Bill Ejectments entered for hearing being only 9,611 (see Table VIII.), they amount to but a little over 16 in the 1,000—equivalent to one in 62 years for each tenant, so that if permanency of tenure was to be judged of even by the number of ejectments brought (which is more than three times the number of actual evictions), it would show an average permanency of tenure amounting to 62 years—a tenancy undisturbed even by *the service* of an ejectment. And even this small number includes a large proportion of cases in which no decrees were made.

*Ejectment Decrees.*—Since 1876 the returns give the number of decrees, as well as the number of cases entered for hearing. The number of Civil Bill Decrees for possession made in 1876 was 3,844, or 6.6 in the 1,000, and in 1879 were only 7,061, or about 12 for every 1,000 holdings, equal to an average upon all the holdings of one change of tenancy in 83 years.\*

\* See Table IX., p. 245.



This Return includes the Metropolitan and Urban holdings of houses only, or of houses and gardens, the number of which is considerable. The numbers of Ejectments for Metropolitan holdings tried in the Recorder's Court (Dublin), were—in 1876, 202; in 1877, 284; in 1879, 273; and in 1880, 291.

# TABLE IX.

Number of Ejectment Decrees granted in the Civil Bill Courts for several years with the number for each 1000 Holdings.

Provinces.	Acreage of Arable, Pasture, and Plantations.	No. of Holdings.	No. of Civil Bill Decrees for Possession.						
			1876.		1877.	1878.	1879.		1880.
			Decrees.	No. per 1000 Holdings.			Decrees.	No. per 1000 Holdings.	
Ulster ...	4,024,374	202,840	1,428	7.	1,373	1,794	2,766	13.6	2,787
Leinster ...	4,162,762	123,805	815	6.6	995	1,116	1,299	10.5	1,426
Munster ...	4,682,747	123,663	884	7.1	903	1,105	1,674	13.5	1,750
Connaught ...	2,827,822	125,731	707	5.6	811	1,183	1,322	10.5	1,387
	16,697,705	576,040	3,834	6.6	4,082	5,198	7,061	12.2	7,350

Tables VIII. and IX. have been compiled from the annual Parliamentary Returns of Judicial Statistics.

*These comprise nearly all the Ejectment Processes.*—The ejectment processes in the Civil Bill Courts comprise almost the entire number of ejectments brought to recover possession of agricultural holdings, for the Civil Bill jurisdiction extends to a rental of £100 a-year: and of all the holdings in Ireland, those containing over fifty acres each constitute only 15 per cent., and those over one hundred acres constitute only  $5\frac{1}{2}$  per cent. of the entire. The number of ejectments tried in the superior Courts is very small. The number tried in 1878 was only thirteen. Some few ejectments for non-payment of rent are brought in the superior Courts, and never come to trial. Some are settled out of Court; and in some, there are judgments by default. If an eviction takes place, it is included in the sheriff's return.

Evictions may not be usual in England, but for very obvious reasons: because, when a tenant there is not able to pay his rent, a sense of justice and honesty, and respect for the law, induces him at once to surrender the farm; but in Ireland, whether the rent is paid or not, the tenant never surrenders until compelled to do so by law.

*Distress for rent rendered nugatory in Ireland by statute and by violence—Ejectment the only practical mode of enforcing rent.*—Having shown that the number of ejectments entered for hearing cannot be considered excessive in proportion to the number

of holdings, there remains another consideration which proves that, instead of the power of ejectment having been oppressively used, it has been used in Ireland with the greatest forbearance and indulgence. The only practical remedy for enforcing rents, now left to the landlords in Ireland, is the ejectment for non-payment. These ejectments in Ireland are, in most cases, a mere process to enforce rent, and sometimes the only safe process. Prior to 1847, there was a power in Ireland, under the 56th Geo. III., c. 88, as in England under the 11 Geo. II., c. 19, to distrain growing crops. At common law, they could not be distrained, nor could corn in stooks or sheaf. By the 9 & 10 Vic., cap. 111, this power was then taken away in Ireland;\* and by the same Act,

\* In the Paper by the Rt. Hon. Judge Longfield, printed by the Cobden Club, "Systems of Land Tenure," there is at p. 2 a most misleading statement as follows:—"Here Parliament again intervened, and passed a law to enable the landlord to distrain the crops while they were still growing." This is printed in 1870 as evidence of the peculiarly oppressive land laws of Ireland, and the Irish statute giving power to evict for non-payment of rent is then referred to. Yet what are the facts. The power to distrain growing crops was given in England in 1737, while it was not given in Ireland until 1816, nearly eighty years after; and in Ireland, it had been repealed in 1847, nearly twenty years before this publication, by the 9 & 10 Vic., c. 111, a statute to which no allusion is made. A like statement is made at p. 3: "In Ireland there *were* no poor laws;" the fact being that there was in Ireland a complete poor relief system from 1838 (1 & 2 Vic., c. 56). These fallacies were reiterated in the House of Common in the late debates.

sec. 12, a special warrant was required from the landlord if he did not make the distress himself, or from his known agent, to make the particular distress for the particular rent then due; and by sec. 10, a very particular notice was required to be given to the tenant at the time of making the distress. Thus, two great impediments—impediments unknown in England—were placed in the way of using the power of distress in Ireland as a means of recovering rent:—first, the legal difficulty of preparing and serving accurate legal warrants and notices, with accompanying danger of an action for damages, to be assessed by a jury of tenants, in the event of any vital mistake being made; and second, that in the large class of small agricultural farms, there was generally but little stock to be distrained, beasts of the plough being privileged from distress. The only thing available for the rent was the crop, and as the law then stood, the tenant could carry the crop off the land before it was stacked, and thus the chief security for the rent would be taken away. This is what led to the new power of ejectment for non-payment of rent in the case of parol tenancies given in 1850.

In England, the old law of distress for rent continued untrammelled, and afforded sufficient security for the recovery of rent. In Ireland, it was so restricted by these special statutes, that it was afterwards but little resorted to. In 1860, by

the 23 & 24 Vic., cap. 154, sec. 51, a still further hinderance to the remedy by distress was imposed by rendering it illegal to distrain for any rent due more than a year; so that, whenever a third half-yearly gale of rent fell due, the first of the three gales had to be abandoned in making the distress. On very many estates in Ireland, it was usual to call for the years' rent falling due in May, out of the harvest, in the following September. On many others, to allow a "hanging half-year," only paying in October the year's rent due the previous November. Often there were standing arrears of two or three years' rent, or even more.

A table prepared by the Land Committee from the facts ascertained in reference to three-fourths of Ireland, shews, that only in 16 per cent. of the ejectments was there so little as only one year's rent due. In 45 per cent. of the cases, there were three years' rent due; and in about 15 per cent. there were four or more years' rent due.\* So that, in all these cases, a distress for the last year's rent alone would be looked upon as a virtual abandonment of the previous rent; one or more years' rent would have to be abandoned in 84 per cent. of the cases; and sometimes four years' rent. The necessary result of this legislation was that distress for rent became nearly obsolete in Ireland, and the service of an eject-

\* See *post* p. 263, and see "The Land Question of Ireland," No. XIII., "More Facts and Figures," p. 15.

ment for non-payment of rent became the ordinary and only effectual remedy for recovery of the rent.

Besides those difficulties imposed by statute, the lawless state of the country caused still greater impediments. The difficulty and danger of keeping the distrained goods for fourteen days before the sale, as required by statute, in the midst of a turbulent population, rendered distress for rent at all times a perilous remedy. The customary observations that may be found inserted in their accounts by Receivers of the Court of Chancery have long borne witness to this. They have often been such as these—"The goods of this tenant were distrained for the arrears, but the goods were carried off by night and could not be recovered." "The lawless state of this locality is such, that the cost of the number of bailiffs required to keep the distress would consume all the value of the goods." "The crops in this case were removed as soon as cut, and nothing left on the lands to meet the rent." All this was very usual prior to the power of evicting parol tenancies for non-payment of rent, and proves how utterly inapplicable to the state of landlord and tenant relations in Ireland were the suggestions of English statesmen in the House of Commons made upon the discussion of Disturbance Bill, in 1880; "that the landlords of Ireland should have recourse, as in England, to the remedy of distress for the recovery of their rents, instead

of the statutable remedy of ejectments for non-payment." During the land agitation of 1880-1 some desperate efforts were made in vain to levy distresses for rent. As soon as the bailiffs approached the localities, the Chapel bells were rung, and hundreds, in some cases thousands, of the tenants, with their wives and children, assembled and drove the bailiffs away; in some cases beating them almost to death; in others, stripping them, or ducking them in ponds; and in others, driving off the stock. At last, it was found that such was the organisation among the lawless tenantry that, in many counties, no distress could be made, no execution for rent levied, nor even a law process of any kind served by a bailiff unless under the protection of fifty police, and 100 military, or sometimes of 300 or 400 men. Even if the distress could be taken, no one could be got to purchase, and the sale should necessarily be abandoned. To tell the landlords of Ireland under such circumstances that they should have recourse to this remedy by distress, was only a solemn and insulting mockery.

*Special power to evict for non-payment of rent in Ireland.*—This power to evict a parol tenancy from year to year for non-payment of rent was first given in 1851 by the Civil Bill Act (14 and 15 Vict., c. 57, sec. 77), but was then limited to tenancies held at a rent of £50 a-year, or under.



It was afterwards extended by the Landlord and Tenant Act of 1860 to tenancies subject to £100 a-year rent, whether held under lease or by parol. In the House of Commons it has been alleged and reiterated, that this statutable power of evicting for non-payment of rent has invested the Irish Landlord with a harsh and oppressive authority unknown in England. It is only by refusing to look at the surrounding circumstances, and by closing the eyes to everything but the statute itself, that there appears the least grounds for this assertion. There has always existed in England, as in Ireland, a power of evicting for non-payment of rent where there is a lease or agreement in writing containing the usual covenant for forfeiture upon non-payment of rent. In England, the average quantity of arable and pasture land comprised in each holding is about sixty acres. Some 18 per cent. of all holdings are over 100 acres each, and comprise 73 per cent. of all the arable and pasture land; another, 11 per cent. of the holdings contain from 50 to 100 acres each, and comprise another 13 per cent. of the arable and pasture land; thus, making together 86 per cent. of all the arable and pasture land divided into farms of not less than fifty acres each.\* As a consequence of this, the tenants nearly all hold under leases for terms of years, or under agreements in writing for

\* See the Agricultural Returns of Great Britain for 1880. Eason's *Almanack* for 1881, p. 136.

tenancies from year to year, containing the usual clauses giving the landlord power to re-enter upon non-payment of rent. The old law of ejectment for non-payment being available in all such cases, is therefore applicable to nearly every tenancy in England. In Ireland, on the other hand, the average quantity of arable and pasture land in each holding is only about twenty-six acres, and even this average is only attained by a few very large grazing holdings, many of them in the hands of the owners, being thrown in. Only 5 per cent. of the holdings contain over 100 acres each. Only 9 per cent. contain between 50 and 100 acres each; the remaining 86 per cent. of the holdings being under 50 acres each, are nearly all held under parol tenancies from year to year, and the old law of ejectment does not apply to them.

The entire number of holdings in 1870 was 682,237, of which 526,539, or 77 per cent. of the entire were held on tenancies from year to year,\* to which the old law of ejectment did not apply. The only remedy in such cases, prior to 1851, for recovering possession of the land from those who would not pay the rent, was that of a six months' notice to quit, and hence the necessity for the special provision in the Irish Act of that year (14 and 15 Vict., c. 57, s. 77), that tenants holding at £50 a-year, or less, whether under lease, or by parol, might be evicted in the Civil Bill Court for non-payment of a year's rent.

\* See Parliamentary Returns of 1870, N. 32. Appendix, *post*.

To a tenant who had any means or prospect of paying his rent, this was no real hardship. The Civil Bill jurisdiction was extended by the Land Act of 1860 to farms held at a rent up to £100 a-year, which included between 80 and 90 per cent. of all the holdings in Ireland. Sec. 45 provided that the amount of rent claimed should be stated in the process; and sec. 60, that if the amount was paid in ten days, with ten shillings costs, all further proceedings should be stayed.

Again, at any time up to trial the rent and costs might be lodged in Court and proceedings thus stayed; and even after trial and judgment, and actual eviction, the tenant might come in at any time within six months after the possession taken, and redeem by payment of the rent, and the Civil Bill costs amounting to some two or three pounds.

It therefore appears that ejectments entered for trial, if brought for non-payment of rent, limited in number as these ejectments have been, afford no evidence whatever of a desire on the part of landlords to recover possession of the land, or to oppress or drive out the tenants, and no grounds for the alleged necessity for "Fixity of Tenure." Even the number of actual evictions for non-payment of rent are but little criterion of the number of cases in which the possession is ultimately changed, because in many cases the premises are redeemed, and there are no means of knowing in how many.

2nd.—*Actual Evictions.*

These again are of two classes—those affecting only houses and gardens, and those relating to agricultural holdings; and of the latter, there are those brought merely to affirm the title of the landlord, where a dispute about that title has arisen with others, and where there is no intention or desire to disturb the possession of the tenant, but merely a necessity to compel his attornment to the new landlord.

The information concerning the total number of evictions of all kinds in Ireland can be obtained with great accuracy from the annual official returns of the sheriffs, but no means are afforded of ascertaining how many of the evictions refer to agricultural holdings, and how many to mere cottier tenancies, or to houses in towns and villages. A most unscrupulous use has been made of this want of information, and even the official returns have columns of percentages added which are calculated to mislead in this respect.

When these misstatements are made an excuse for proposed penal legislation to strip the landlords of the power of eviction, and, by giving the tenant Fixity of Tenure, to leave the landlord completely destitute of any useful controlling influence over his estate, it is necessary to see what foundation there is for these persistent and wicked assertions.

*The entire number of evictions* in Ireland under judgments or decrees of the Superior Courts and Civil Bill Courts, as appearing from the sheriffs' returns, are in 1865, 1,403; in 1872, 1,173; in 1873, 1,777; in 1874, 2,170; in 1875, 2,119; in 1876, 1,839; in 1877, 1,951; in 1878, 2,517; in 1879, 3,526; and in 1880, 3,312. Even the figure for 1879, which is the highest, would give upon 576,040 holdings, only a little over six evictions, upon all grounds, for every 1,000 holdings, while in 1876 the number was 3.2 to every 1,000 holdings. But nearly three-fourths of these were evictions for non-payment of rent, which must always be considered a fair ground for eviction, and in most of the cases the premises were redeemed, and there were ultimately no evictions. It will also be seen from the Table (X.) that in Ulster, with power of sale, the actual evictions were up to the average.

*On Title.*—The number of evictions, other than for non-payment of rent, included in the above returns, was 373 in 1872, 521 in 1873, 603 in 1874, 652 in 1875, 570 in 1876, 628 in 1877, 768 in 1878, 849 in 1879, 666 in 1880,\* and supposing that all these evictions were for agricultural holdings, which they were not, as the total number of holdings during that period has been about 579,399,

\* See Table XI., p. 259.

the total number of these evictions executed by the sheriffs amounted to less than 1 in the 1,000 in each of the first three years, and only to 1.5 in the 1,000 in the disastrous year of 1879. So that if the average length of tenure be measured by the average number of evictions, other than those for non-payment of rent, the average length of tenure would be from 500 to 1,000 years. As to security of tenure, it is proved by these figures that it is only 1 tenant in the 1,000 that is evicted, except for non-payment of rent; and this, even supposing all the cases to have been between landlord and tenant, and all the evictions to have been from agricultural holdings. The evictions from houses in cities and towns are included in the Eviction Returns, although the houses in cities and towns are not included in the number of holdings.

The Land Act, 1881, having greatly increased the resistance to the payment of rent, the number of evictions has increased. The number for only two Sessions has, in 1881, exceeded the entire number for 1880.

EJECTMENT DECREES IN C. B. COURTS, 1881.

1881. Ireland.	For Overholding or on Title.	For Nonpayment.	Total.	Rent due on Column No. 1.
	No.	No.	No.	£
Trinity Sessions	2,098	247	2,345	56,106
Michaelmas do.	† 1,724	296	2,020	47,082
Total ...	3,822	543	4,363	103,188

There were also in the Superior Courts from January 1, 1881, to June 30, 1881, Ejectments—for non-payment of rent, 1,935.—on title, 657; and also actions for rent, 5,559.

\* Parliamentary Papers, 1881, No. 346—† Do., 1882, No. 10 (5) —Do., 1881, No. 424.

TABLE X.

No. of Evictions in 1865, and from 1872 to 1880, distinguishing those for non-payment of rent and for other causes, in each Province, as contained in the Sheriffs' Returns, including Metropolitan and Urban Districts, with the numbers per 1,000 holdings.

Number of Evictions in which Possession was taken.													
Province and Cause of Eviction.	No. of Holdings.	1865.	1872.	1873.	1874.	1875.	1876.		1877.	1878.	1879.		1880.
							No.	Per 1,000 holdings.			No.	Per 1,000 holdings.	
Ulster for Non-paymt. Others ...			219 159	376 244	580 279	391 298	454 210	2.2 1.0	393 191	457 281	758 345	3.7 1.7	965 214
Total ...	202,840	*484	378	620	859	689	664	3.2	584	738	1,103	5.4	1,179
Leinster for Non-paymt. Others ...			315 68	415 79	459 135	494 110	367 139	3.0 1.1	412 172	507 160	683 158	5.5 1.3	617 169
Total ...	123,805	395	383	494	594	604	506	4.1	584	667	841	6.8	786
Munster for Non-paymt. Others ...			221 129	299 107	286 141	320 157	251 157	2.0 1.3	324 155	449 210	748 296	6.0 2.4	750 219
Total ...	123,663	258	350	406	427	477	408	3.3	479	659	1,044	8.4	969
Connaught for Non-paymt. Others ...			45 17	166 91	242 48	262 87	197 64	1.5 0.5	194 110	336 117	488 50	3.8 0.4	314 64
Total ...	125,731	266	67	257	290	349	261	2.0	304	453	535	4.2	378
Ireland for Non-paymt. Others ...			800 373	1,256 521	1,567 603	1,467 652	1,269 570	2.2 1.0	1,323 628	1,749 768	2,677 849	4.6 1.4	2,646 666
Total ...	576,040	1,403	1,173	1,777	2,170	2,119	1,839	3.2	1,951	2,517	3,526	6.0	3,312

TABLE XI.

No. of **EVICTIONS** for causes other than Non-Payment of rent in 1873, 1876, and 1879, as contained in the Sheriffs' Returns, with the number for each 1,000 holdings.

Province.	No. of Holdings.	No. of Evictions in which Possession was taken.					
		1873.		1876.		1879.	
		No.	No. per 1,000 Holdings	No.	No. per 1,000 Holdings	No.	No. per 1,000 Holdings
Ulster ... ..	202,840	244	1.2	210	1.0	345	1.7
Leinster ... ..	123,805	79	0.6	139	1.1	158	1.3
Munster ... ..	123,663	107	0.8	157	1.3	296	2.4
Connaught ... ..	125,731	91	0.7	64	0.5	50	0.4
Ireland ... ..	576,040	373	0.8	570	1.0	849	1.4

This Table, compiled from the Sheriffs' Returns, contains the total Evictions for causes other than Non-Payment of rent, both in the Agricultural Holdings, and for houses in cities and towns, and whether between landlord and tenant, or by executors, or between other rival claimants to the possession.

*Parliamentary Returns of tenants evicted and reinstated.*—Several Parliamentary Returns have been lately made upon the subject of evictions. One was made in July, 1880, by the Inspector-General of Police, containing the number of families put out of possession *for non-payment of rent*, and the number readmitted as caretakers or tenants, from which it would appear that the number of cases of the actual removal of the tenants is even much less than what would appear from the sheriffs' returns.



The numbers are so very much less than those in the sheriffs' returns that they probably indicate the real number of evictions from *agricultural holdings*. The numbers are—in 1877, 261 in the police return, instead of 323 in the sheriffs' return, and of the 261, there were 80 reinstated in possession. In 1878, 608 instead of 1,749, and of whom 171 were reinstated. In 1879, 903 instead of 2,677, and of whom 373 were reinstated; and in 1880, 2,110, of whom 1,164 were reinstated.\*

If these be taken as the correct figures for the evictions of purely agricultural holdings, the number of which, excluding those under one acre each, is 525,900, we have the percentage of evictions of agricultural holdings, for non-payment of rent, in 1877, 0.5 in the 1,000; in 1878, 1.1; in 1879, 1.7; and in 1880, 4 in the 1,000—that is, the permanency of tenure in agricultural holdings is from 1,000 to 250 years.

\* See Tables XII. and XIII. on next page.

POLICE RETURNS, FEBRUARY 7th, 1882.

Number of Tenancies evicted **1881**, and number reinstated as tenants or caretakers.

	No. of Tenancies Evicted. 1.	No. Readmitted as Tenants. 2.	No. Readmitted as Caretakers 3.	Total Readmitted 4.	Residue, being No. put out of possession. —
Ireland, 1881	3,415	194	1,686	1,880	1,535

NOTE.—In Ulster where tenant-right and free sale have long subsisted, the number of Evictions in 1881 has been nearly double that of any other Province, and as great in proportion to the number of holdings. They were—Ulster, 1,219; Leinster, 692; Connaught, 784; Munster, 720.—Total, 3,415.—(Compiled from *Commons Return*, 1882, No. 6).

TABLE XII. POLICE RETURN.

Number of families evicted for non-payment of rent, and number readmitted as caretakers.

	1877.		1878.		1879.	
	No. Evicted.	No. Reinstated.	No. Evicted.	No. Reinstated.	No. Evicted.	No. Reinstated.
* Ireland ...	261	89	608	171	903	373

NOTE.—This Return shows a much smaller number of evictions than the Sheriffs' Returns, but this Return is probably limited strictly to Agricultural Holdings. It is valuable as showing the proportion of cases in which the tenants have been readmitted as caretakers, amounting to about one-third of the number evicted.

TABLE XIII. POLICE RETURN. JAN. 6TH, 1881.

Number of tenants evicted in 1880, and number reinstated as tenants or caretakers.

Province.	No. of tenancies evicted.	No. Readmitted as tenants.	No. Readmitted as caretakers.	Total Readmitted	Residue of Column 1, being No. actually put out of possession.
	1	2	3	4	
Ulster ... ..	497	52	275	327	170
Leinster ... ..	484	65	189	254	210
Munster ... ..	742	78	319	397	345
Connaught ... ..	387	22	164	186	201
Ireland ... ..	2,110	217	947	1,164	926

NOTE.—This Return is supposed to comprise only Agricultural Holdings.

\* Compiled from Parliamentary Paper, No. 817, of Session 2 of 1880.

*Returns by the Land Committee for 1880.*—The figures for 1880 have been well summarised by Paper XIII. of the Land Committee. Deducting for small holdings, and for one tenant having several holdings, the Committee estimate the real number of *farms* at 425,000, and the number of evictions at 2,888 (the number stated in the return), they say, (p. 6), “The percentage of evictions would amount to only 0.68 per cent. of the number of tenant farmers, or one eviction for every 174 farmers; and, distinguishing between the several classes of ejectments, only one tenant in every 964 would have been evicted on title, and one tenant in every 175 for non-payment of rent.” The paper then proceeds to show, from the returns for 22 counties, obtained by them that (p. 8) out of the number in the return, 49 per cent. of the tenants were reinstated as tenants or caretakers, and 16 per cent. of the holdings were not agricultural, and they arrive at the conclusion (p. 12)—“We find that the 231 unexplained cases amount only to .054 per cent. of the 425,000 tenant farmers, or *one eviction for every eighteen hundred and forty tenants!*”

The same paper gives another very instructive table, showing the number of gales of rent due by the tenants against whom these alleged cruel ejectments had been brought. From this it appears (p. 15) that the cases in which only one year's rent was due were only 15.69 per cent. of all the ejectments for non-payment of rent; the cases where

two years' rent were due were 44.94 per cent. ; where three years' rent were due, 24.28 per cent. ; where four years' rent were due, 7.98 per cent. ; while those where above four years' rent were due were 7.11 per cent. of such ejectments.\*

They then refer specially to the ejectments on title. In 1880, says the paper, speaking of the number of ejectments, "there were 515, or less than 18 per cent. upon the title. . . . No fewer than 36.88 per cent. of these were brought at the suit of, or for the benefit of persons other than the landlords;" they were not cases between landlord and tenant. "In 30.91 per cent. of the cases the premises were not agricultural, or were deserted or consisted of houses only. In 6.75 per cent. the tenants were reinstated." . . . So that we have "very nearly 80 out of every 100 ejectments which cannot be ascribed to harshness or caprice on the part of the landlord." Taking it, then, that ejectments for non-payment of rent are allowable, and deducting from the ejectments on title those that were not between landlord and tenant, or were not for agricultural holdings, there remain but 51 ejectments in Ireland for the year 1880, or "*only one in every 8,333 tenants evicted during the year.*" A similar inquiry into the circumstances of the ejectments in former years would, no doubt, show the same result.

\* For number of families evicted, 1849 to 1880, see Appendix.

*Conclusion.*—Thus the principal assertions of harsh and cruel evictions upon which the Disturbance Clause of the Bill of 1870 was based, and upon which Mr. Gladstone justified the taking of £20,000,000\* worth of property by that clause out of the control of the Irish landlords, are proved to have been utterly groundless.

These reiterated allegations of a tyrannical exercise of the power of the landlords over their tenants by which the House of Commons was chiefly led to sanction the monstrous Disturbance Bill of 1880, and the still more monstrous Confiscation Measure of 1881, have been proved to have existed only in the wicked imaginations of designing men. It has been shown from the Official Returns that in 1879 the whole number of "ejectment processes" entered for hearing amounted to only a little over 16 in each 1,000 holdings (p. 243), while the number of "ejectment decrees" only amounted to about 12 in the 1,000, by far the greater proportion of which was for non-payment of rent, that being the only effectual remedy for its recovery, and a large proportion not for agricultural holdings (p. 260). The most of these ejectments were always settled by the payment of the rent, leaving the number of actual evictions of every kind for the year only 4 in the 1,000, and the actual evictions other than those for non-payment of rent only to 1.5 in the 1,000, so that

\* See *ante*, p. 146.

the permanency of tenure of each tenant, as measured by evictions, would amount to nearly 700 years. This shows that only one in 700 tenants is evicted except for non-payment of rent, or if, according to the calculation of the Land Committee, the number of those reinstated be deducted, it is only one in every 1,840 tenants that is evicted each year.

These being the facts and figures, we may well ask what grounds existed for the slanderous, false, and vituperative abuse that has been designedly heaped upon the landlords of Ireland, as a class, in letters and speeches and articles from day to day, at home and abroad? Every power of a section of the press, of the platform, and the pulpit, has been abused to vilify the landlords, and to harrow up the feelings of humanity against them all over the world. By these means the Government have been influenced, and the House of Commons has been influenced to sanction unheard of measures—First, to stay these imaginary numerous evictions, and then to confiscate the landlords' property by giving "Fixity of Tenure" to every tenant. And yet, when the facts are examined, the whole basis upon which this gigantic fabric of fraud and falsehood rested is entirely swept away. The foregoing tables, taken from the Parliamentry, Judicial, and other returns, show the real facts, and prove a triumphant vindication of the conduct of the landlords of Ireland.

2. *False assertion that "though Evictions are not numerous, every Eviction is a sentence of death."*—The Report of Lord Bessborough's Commission puts it thus (par. 48)—"An ejected farming tenant in Ireland has nothing to turn to, except the chance of purchasing another holding; the offers of which are limited, and the prices high. Not to come to terms with his landlord, means for him to leave his home, to leave his employment . . . to sink at once into a lower plane of physical comfort and social rank." Mr. Gladstone, in the House of Commons, upon the 5th July, 1880, upon the second reading of the Compensation Bill, speaking of the then pending evictions, said, "Unless it be checked, 15,000 individuals will be evicted from their homes without hope and without remedy in the course of the present year;"\* and again, "the tenants had to contemplate eviction for non-payment of rent, and, as a consequence of eviction, starvation."

It has been already shown by the authentic statistics† that the number of evictions in 1880 were only 4 for each 1,000 holdings, and that without the aid of that Bill, one-half of these were reinstated voluntarily by the landlords.

The Report of the Bessborough Commission enlarges upon this suggestion of the effect of an eviction. It says (par. 19)—"Where there is no

\* Hansard, p. 1658.

† *Ante*, pp. 257, 258.

tenant-right the feeling of insecurity produced by the raising of rent had a similar effect. The extent and mischief of this feeling of insecurity are not to be measured by the *number* of cases of rent raising which have been brought into Court, nor even by the number of cases in which it has actually been unduly increased, or of estates on which the owner has been *thought* to have unduly raised the rent of one or more of his tenants. The feeling is contagious, and has spread far and wide. Even a *single case*, very likely *misapprehended*, in which a landlord, of *previously good reputation* in this respect, is *thought* to have acted unfairly by a tenant, may largely affect the condition and good feeling of an entire neighbourhood." The principal testimony upon which this assertion is based is that of Professor Baldwin, of the Glasnevin Model Farm. (Quest. 32,106), he says, "I found the action of one unwise or bad landlord bring disfavour on the whole class in the county or province, and drive actual terror into the minds of the people for miles and miles." This statement in the Report is wholly unsustained by evidence. It is needless to go into details. The Duke of Argyle, in his speech in the House of Lords, said, "I have gone through this Blue Book, as I firmly believe few other members of this House have gone through it, and I have not seen *one single case* in which the *data* are given by which you can judge whether the increment has been an unfair one



upon tenants' improvements, or a perfectly fair one upon the share which belongs to the Landlord in the soil which has yielded the increase."

*The true solution of these assertions is very different.*—The Commissioners were hard pushed to make out a case of any substantial and reasonable feeling of insecurity of tenure when they were forced to use language such as this. If from the mass of evidence which they sought for, canvassed, and obtained, any general facts could have been sifted out, showing a reasonable ground for this alleged want of security, they would no doubt have been put prominently forward; but after all the evidence had been sifted, they were compelled to state that in Ireland "it was unusual to exact (as in England) a full or fair commercial rent;" such a rent "*it had never been the custom to demand.*" Such being the case, there were no facts to justify this alleged feeling of insecurity, and they therefore draw a fancy picture from their own imagination, "that a *single case—misapprehended—*by a landlord of good reputation—may largely affect the good feeling." And this is the basis of a legislative annulling of solemn contracts, and a confiscation of the landlord's property. But then there is the evidence of Professor Baldwin going down, from the Government Model Farm, of which he was manager, for a tour in the country, to converse with tenants, and find out their grievances, and he

tells as the result—"I found the action of one unwise or bad landlord bring disfavour upon the whole class," . . . . . "drive terror into them." The real explanation of such kind of evidence is this, that when tenants are accused of idleness, or of not improving their farms, as they would probably be by Professor Baldwin, they would soon find some excuse for their neglect, and would readily and plausibly shift the blame from their own shoulders, and allege this supposed want of security as the cause of their poverty. When asked for facts, or confronted with the facts (see *ante*, Part II., cap. iv., sec. i.), that ejectment decrees, including those for non-payment of rent, have been only from 6 to 12 in the 1,000\* holdings, and that evictions actually carried out only from 3 to 6 in the 1,000 holdings†—when driven by the facts from every rational ground, they fasten upon the one case in the 1,000, and fill up the picture with a glowing description of this plausible pretence of a single case, driving terror into the minds of an entire province. This terror has never prevented men bidding for land when it was to be had. It has never prevented £20, £30, or £40 an acre being given for a tenancy where there was a right of Free Sale. Such feelings, if they did exist, may have arisen from causes very different from those alleged. It may not be at all

\* See p. 243.

† See p. 256.

unnatural that such tenants as hold from year to year upon the 3,472,898 acres, the rents of which have not been raised for twenty years, or upon 1,957,633 acres, the rents of which have not been raised for thirty years, as shown by the Land Committee's Paper,\* while prices of agricultural produce have, during that period, increased some 30 per cent. upon corn, and 70 per cent. upon meat and butter,† as well as all tenants in a like position, may well feel a daily alarm lest they should be called on to pay a rent proportioned to the increase of prices. It may well be that tenants holding mere grass land, at £2 an acre, and sub-letting it at £7 an acre, as in the case already mentioned,‡ may have a wholesome terror that they are not secure against the landlords requiring some day a rent nearer to the real value of their land.

It is not unnatural that a tenant whose next neighbour on the same townland has just sold his tenant-right for £40 an acre, though for fifty years he has not made any substantial improvement on his farm, may live in continual dread lest his farm should some day be re-valued; or that a tenant who has seen an adjoining farm, coming into the landlord's hands, bid for by numerous solvent tenants, at ten, or fifteen, or twenty shillings an

\* Paper III., Facts and Figures, p. 19.

† *Ante*, pp. 14, 81.

‡ *Ante*, p. 75.

acre more than he is paying, may feel no security lest the landlord, after many years of unequalled indulgence, should at last look for a rise of rent commensurate with the rise in prices during the last forty years. One such rise of rent on the estate might well give alarm to many others; not an alarm lest the landlord should take anything from the tenant that was his, or should do him the slightest injustice; for against that he has the positive fact of the landlord's unbounded generosity and forbearance for forty years before, and he has also the privileges of the Act of 1870, which secured the fullest compensation for all improvements, and in most cases for disturbance also; but a natural and self-interested alarm, lest this generosity and forbearance should at last be somewhat diminished, and the landlord should at last look for a rent proportioned to the increase of prices, and fair to himself as well as to the tenant. The true foundation for any such alarm, so far as it may exist, is the consciousness of the tenant that he holds at a rent, as stated in the Report alluded to, "considerably under the fair commercial rent,"—a consciousness that he has been for years enjoying a large proportion of the landlord's property unrented, and a fear lest he should be called on some day to pay for it; and the lower his annual rent may be in proportion to the real value, the greater this alarm is likely to be. This allegation of alarm rests upon somewhat the same

unreal and delusive foundation, as the allegation that the tenant is not free to contract, which has been already treated of. (Part II., cap. ii.)

If any such sense of alarm lest rents should be raised, or any such feeling of insecurity for improvements existed prior to the Act of 1870, all foundation for them was taken away by that Act, as full compensation was thereby provided.\*

The assertion that such feelings of alarm arise from a single case of eviction, or raising of rent, is one very easy to be made, but very difficult to be refuted, but that they should affect the transactions of life is contrary to all experience. Hundreds of ships go down to the bottom of the sea each year, and thousands of lives are lost, and yet there is no lack of sailors. Hundreds of men are lost each year by explosions and accidents in coal pits and mines, and yet there is no lack of miners. Volcanoes in some parts of the world overturn whole villages, and earthquakes swallow them up, and yet, men soon congregate, and build, and sow, and reap again about the same locality. Rivers overflow their banks, and the sea breaks down the barriers erected to restrain it, and they sweep away in an hour the whole industry and tillage of years, and yet men quickly return and begin their work anew; but is Irish land and Irish energy to be the only exception in the universe, and because

\* See *Ante*, p. 186.

a single case of a bad landlord harshly treating a tenant may occur, reasonable men are to be told that a whole province is alarmed, and that therefore all the landlords of the province are to be treated as lunatics, deprived of all management of their estates, and restrained by the strait waistcoats of a galling and oppressive interference in their business contracts.\* From the cupidity, craft, and ingenious wickedness of human nature, individual instances have often before occurred, where interested persons have conspired, by perjured evidence, and fabricated medical certificates and reports, to make out the owners of property to be lunatics, to blast their reputation, and swear away their characters by reiterated falsehoods, in order that the aid of the constituted authorities may be successfully invoked to keep the supposed lunatics in restraint, while the conspirators obtain permission to take possession of and enjoy the property of their isolated victims ; but never before in the history of any nation have a whole class, not declared traitors or rebels, been so attacked, and conspired against, and maligned by another class, and then, upon a like fabricated report, as if they had been found and pronounced lunatics, deprived of the management of their property by

\* Under Rule 100, just issued by the Land Commissioners, no proprietor, be he peer, parson, judge or doctor, can execute an agreement with his tenants to fix the future rent, unless in the presence of a magistrate, clergyman, or poor-law guardian.

legislative authority of the nation. The Land Bill of 1881 marks a new era in the legislation of nations, where, for the first time, the frauds and perjuries of one of the very worst classes of conspiracy are made the basis of the legislative plunder, by a rich and powerful nation, of a large but unrepresented class of the community. For the first time, the Constitutional Government of England have sought by these means to purchase the support of a revolutionary and communistic political party, who happens in one section of the United Kingdom to have monopolized all representative power. The terrible result of this abandonment of principle is becoming every day more evident.

*Baseless attacks upon the Land Laws of Ireland.*— This false assertion, that every eviction is a sentence of death, is one of the many slanderous attacks upon landlords, and upon the English Land Laws, by which the public mind has been poisoned and made ready for the gigantic scheme of intended plunder. It is said that the Land Laws in Ireland have been unjust and tyrannical; that with the conquest of Ireland by England, the mild and beneficent Land Laws of Ireland were abolished, and the unjust Land Laws of England, which were unsuited to the Irish peasantry, were imposed by conquest. Thus the calamitous antagonism of the occupiers of the soil

is accounted for to the satisfaction of a number of blind and self-opinionated theorists; and the Parliament of the United Kingdom, though feeling that the provisions of the Land Law Act of 1881 were contrary to the universally accepted principles of economic science, and manifestly impolitic and unjust, yet schooled themselves into consenting to the Act, under the belief that it was in accordance with "Irish ideas," and would be more acceptable to that section of the Kingdom than the English Laws, which were based upon the common principles of honesty and justice. But even that Act, with all its rapacious confiscation of the landlords' property, has not allayed the greed for plunder; but only whetted the appetite for more, and will continue to do so as long as anything is left to the landlords which the same system can rob them of. The *Freeman's Journal*, writing upon the 10th of December, 1881, while one-third of the landlords' rents were being handed over by the Sub-Commissioners, day by day, to the Tenants under that Act, repeats in full force the slander of "unjust laws" It says:—"We had *up to this year* a land system the most atrocious in the civilized world,—a system which every one now acknowledges enabled one class to rob another with impunity by process of law. The Land Act was passed—but so was the Coercion Act. The Coercion Act itself would account for all the crime complained of; *but the Land Act itself would do the same.*"



These statements are utterly devoid of truth. The fact is, that even before the Act of 1881, the Land Laws of Ireland were more favourable to the tenant than the Land Laws of any other country in the world.\* In other countries, from the mode of having property in land divided among all the family at a man's death, owners are much more numerous, and tenants fewer. But there is no country in the world where there are not a vast number of tenants; and there is no country in the world where the privileges of tenants are so great as they were in Ireland, even before the Act of 1881. The Irish tenant even then had legal rights far superior to those possessed by any English or Scotch tenant, whether by law or custom. These privileges and the statutes which conferred them are briefly summarised in a Paper prepared by the Land Committee, which is given in the Appendix.† If one special privilege was given to an Irish landlord, with reference to ejectment for non-payment of rent, that has been already shown‡ to have been absolutely necessary as a means of recovering rent, and to have been only substituted for the power of distress which had before been practically rendered nugatory.

Such is the demoralizing influence of these gifts that even the Act of 1881 is now abused and

\* See Testimony of Froude, *post*. See "Tenants' Privileges," Appendix, *post*.

† See "Tenants' Privileges," Appendix. ‡ See *Ante* p. 246.

attacked for its injustice, and will soon be the basis for violent demands for further confiscations. Great as the reductions of rents by the Sub-Commissioners under the Act have been,—reductions varying from 20 to 70 per cent., and making an average of 23 per cent. all round—they have not given satisfaction; and every now and then the Sub-Commissioners have to act under the stimulating influence of public meetings. At a meeting of farmers held at Saintfield, in the County Down, in the middle of January, 1882, violent speeches were made, the purport of which was that these reductions were only accepted as an “instalment of justice;” and a resolution was passed “that the rights and capital of the farmers are not adequately protected in the administration of the Land Act by the Sub-Commissioners.” On the 20th January, 1882, a like meeting was held in Belfast, when a resolution was passed “that the Sub-Commissioners have not adequately protected the tenant’s interest in his holding by the rents they have fixed . . . . We, therefore, earnestly urge the Land Courts to give full effect to the provisions of the Act of 1881 . . . . We reaffirm that the final solution of the Irish Land Question must be the creation of a peasant-occupying proprietary . . . . and it is especially necessary that a fair rent, as the basis of a purchase by the tenants, shall now be fixed by the Land Courts.” The same article in the *Freeman’s Journal*, just

quoted, proceeds to attack the Act of 1881, and to sound the war note for renewed agitation and violence. It says:—

“Nothing could be more calculated to exasperate and intensify individual discontent, and therefore increase the temptation to individual crime, than that individuals should find themselves shut out from the advantages conferred by an Act of this kind on their neighbours. This is what the Land Act has done. They are tantalized with vain hopes, which mock their grasp, and find themselves—

‘Full in the sight of Paradise,  
Seeing Heaven and feeling hell.’”

*The harsh and oppressive customs of the ancient Irish Land Tenures* are a matter of history; but now men are duped by any false assertions about “the mild and beneficent Land Laws of Ireland,” that existed before the Plantation in it of the English Colonies. It is all a mere fiction, invented for the purpose of inflaming the minds of the occupiers and would-be patriots to whom it was addressed. Before the English conquest, and for long after, until the time of the successive English Plantations, the occupiers of the land were the mere serfs and abject slaves of their petty kings and chieftains as much as the members of any savage tribe at this day in any uncivilized part of the world. All rights of property were vested in the

chief of the tribe, and in him alone. The chief could at any time swoop down, with his horses and dogs, and men and boys, upon the unfortunate occupier, and stay there until all the man's substance was consumed. Sir John Davis, the Irish Attorney-General of James I., writing of that period, says :—

“ But the Irish exactions extorted by the chieftains and tanists, by colour of their barbarous seignory were almost as grievous a burden as the others, namely—cosherings, sessing for the Kerne, and of his family, called Kernity, of his horses and horse-boys, of his dogs and dog-boys, and the like; and lastly cuttings, tillages, or spendings, high and low, at his (the chief's) pleasure; all which made the lord an absolute tyrant, and the tenant a very slave and villein; . . . but more miserable, for here the lord was fed by his bond slave.” They had customs against morality, which Sir John Davis says, “ would have brought ruin to the kingdom of Beelzebub.” \*

Such were the mild and beneficent Land Laws ! of which the Irish people now complain of having been deprived by the English invaders, and for the loss of which the minds of ignorant peasants are inflamed with an unceasing and undying hatred to England and to English settlers, who introduced civilization into the country.

\* See Speech of Duke of Argyle, June 1st, 1881, p. 12.

*The folly and danger of this policy of "sentiment" will become apparent if it be applied to any other department of life.*—How many hundreds of cases occur every day, where agents, managers, foremen, and clerks, are summarily dismissed by their masters, from employments which they have held for years? How often does it occur, after colossal fortunes have been realized for the masters, almost entirely by the skill and industry, and long years of persevering toil of those very agents? How many thousands are every year plunged in poverty by such dismissals? But has it ever been suggested that such dismissals, hard though they may be, are "sentences of death" upon those dismissed, and upon their families? The only question that ever arises in such a case is—Has the dismissal been according to the contract? The necessities of commercial life and of public business are such, that they could not be carried on if such contracts of hiring were not maintained. The loss of a man's farm is no more a "sentence of death" than is the failure of any man in manufacturing, or mining, or trading, or in any class of business in which the capital and industry of millions are continually at stake; no more than the loss of any one of the thousand other employments upon which men depend from day to day, for the sustenance of themselves, their wives and families. When the owner of land, having it in his possession, lets it to a tenant for a specified term, or from year to year,

to be surrendered upon the usual notice, he has as much right, upon the expiration of the term or of the legal notice, to get back his land and to terminate all relations with the tenant, in pursuance of his contract, as the master has to part with his agent, manager, foreman or clerk, and there is no more a "sentence of death" in the one case than in the other. The fact that land may be scarce can no more affect the one case, than the fact that employment may be scarce can affect the other. If it were possible for such circumstances to justify a legislative enactment giving fixity of tenure to the tenant, or making him a part owner with the landlord, they would equally justify giving fixity of tenure to every agent, manager, foreman, and clerk, or making him by law a partner in the factory, mill, or shop, without regard to the owner's consent, or his own fitness for the change. The Land Law Act of 1881, not only perpetrates upon the owners of land in Ireland this monstrous injustice, but even carries it a step further; for after making the tenant a part owner against the landlord's wish, it limits the landlord's share of the profits, while it leaves the tenant's share unlimited, and enforces what will be practically a perpetual continuance of the partnership upon these unjust terms. Have the Government authors of this Act considered the position of the whole class of Government clerks and employés who belong to what is known as the "uncovenanted service"?

They are liable to be dismissed, and often are dismissed, upon the shortest notice ; the Government workmen at Portsmouth and Chatham were so dismissed by Mr. Gladstone's Government, after ten or fifteen years of service. Is every such dismissal a "sentence of death" upon them and their families? The whole body of civil servants belonging to what is called the "covenanted service" hold for life, are entitled to retiring pensions, and if dismissed are entitled to compensation. They are like Ulster tenants, who are entitled to tenant-right ; they came in under that contract, and are justly entitled to the benefit of it. The Act of 1881, passed under the shallow pretence of protecting the tenants in the other provinces from this imaginary "sentence of death," has now conferred upon the tenants of the other three provinces, without their purchase the same right of fixity of tenure and free sale, and made them part owners of the land. If there was a shadow of justice in such an enactment, the whole class of the civil servants of the Crown who belong to this "uncovenanted service," have now a much stronger claim to be placed upon the same footing as the other civil servants, and henceforth to hold their offices for life, or to receive compensation upon their resignation or removal. The Parliament which has granted the one, is in justice bound to grant the other, unless it selfishly and dishonestly refuse to apply the principle which they

have approved, because in the one case such compensation would have to be paid out of the funds of the State, while in the other the payment can be obtained for the tenants from the proceeds of the plunder of the landlords. Upon the same principle every civil servant would have as much right to sell his office "for the best price that can be had," as the tenant to sell the occupation of the land which, by the terms of the contract, he was bound to give back to the landlord.

*The Act itself, according to this foolish sentiment, would be a hundred times more a "sentence of death" than any ejectment.*—By sec. 3, if a tenant bequeaths his farm to more than one person, or dies intestate, unless his personal representative names one person as tenant, the landlord may sell the tenancy, under the direction of the Court. Then, of course, an ejectment must follow, and all be removed from the land except the one named tenant. Is this then a sentence of death upon the rest of the family pursuant to the Act?

Another distracting difficulty will arise under this provision in case of intestacy. Will the person who happens to be first among equals in getting letters of administration be at liberty to name himself as tenant, contrary to the well-known rule of equity that a trustee cannot profit by his trust? If so, the devolution of the tenancy will depend among equals upon who wins in the race for getting letters of administration.



There were in 1879 227,302 holdings of over one acre, and under fifteen acres each. Suppose that this provision of the Act is only carried out upon these holdings. The average death-rate being 18 in the 1,000 per annum of young and old, may be taken at least at 20 tenants in the 1,000 or 4,540 tenants who would die every year. The average in each family is five, of whom a half should remove away within twelve months, or be evicted upon a compulsory sale. That would be about 9,080 sentences of death each year under the Act. If every eviction was a sentence of death before the Act, every compulsory sale followed by eviction, will be much more a sentence of death. The number of families actually evicted annually before the Act, for every cause, was from 1,000 to 3,000; the number, according to this calculation, would be 4,540 each year if all died intestate—4,540 evictions for this cause of subdivision alone—and this in addition to all the necessary evictions for other causes. Before this Act the landlord, upon the death of a tenant, could leave the whole family in occupation, without fear of subdivision, because, when he made one of them only his tenant the others had no claim upon the land, and would by degrees find openings elsewhere. All that is now changed. The Act has given a chattel interest in the farm to the tenant; upon his death this by law would become divisible among all his family or next of kin, so that upon each death of a tenant

the landlord might have five, or ten, or twenty tenants jointly entitled to the farm. In order to avoid this it will henceforth be necessary for him, under section 3, upon the tenant's death, to drive out all the next of kin except one, or compel a sale, and let the purchaser at once proceed to drive all out. So much for this policy of sentiment which, in order to avoid some few necessary and just evictions each year, forces the landlords to have recourse to perhaps 4,549 additional evictions, merely for the purpose of enforcing sales, and thus preventing subdivision.

*Evictions were often a mercy, instead of a sentence of death.*—A large proportion of all the evictions for over-holding were brought for the express purpose of avoiding this ruinous subdivision. When a tenant died intestate, which was almost universally the case, the family sometimes would not agree to the landlord naming one of them as tenant. Sometimes during the parents' lifetime the sons had, without the landlord's knowledge, got portions of the farms into their separate occupation. Then, upon the father's death, there came a struggle for subdivision. The landlord often could exercise his power of preventing the subdivision only by evicting all, and then re-letting to one. When it is remembered, that there are still these 227,502 holdings of less than fifteen acres each, and 136,649 more under thirty acres each, it

will be seen that such evictions were not sentences of death, but a judicious and merciful pressure, exercised in time to force the younger members of the family into other fields of industry, instead of foolishly and negligently permitting them to settle down in idleness upon a farm too small to employ their labour or to afford them food. The ruinous consequences of such misguided indulgence in permitting subdivision have been already pointed out (Part II., cap. iv., sec. 1). Their culmination in 1841, when in Connaught 95 per cent. of the farms were under fifteen acres each, and in all Ireland 81 per cent.\* has been already alluded to, as well as the terrible consequences that ensued when the potatoes failed, and these tenants, holding under fifteen acres, comprising then 563,255 agricultural families, or 2,500,000 people, were left destitute;† and when before the year 1851 the population was reduced by 1,622,739 souls by emigration and famine during the ten previous years, that is from 8,175,124 in 1841, to 6,552,385 in 1851, and again to 5,798,067 in 1861, being a further reduction of 753,418.

The allegation, therefore, that "an eviction is a sentence of death," made by responsible statesmen, is a most perverse and wicked appeal to the worst passions of the people, calculated to fix them in their worst errors of clinging to a little plot

\* See *Ante*, p. 228.

† *ib.* 229.

which is unable to support them, and tends to crush out all industry and enterprise, and to destroy every effort for their advancement, by forcing them into other more profitable fields of industry.

3. *The next false assertion was that "Tenants' Improvements were frequently confiscated by the Landlords increasing the rent."*

This subject has been already alluded to under the head of "Want of Security."\* It has been there shown that when any real improvements were made by tenants, they were generally compensated by being left in the undisturbed possession of them.

The Report of the Bessborough Commission is there quoted (par. 8), "That by a species of popular consent, almost universal, . . . so long as tenants paid their rents, it was thought unfair that they should be deprived of their holdings;" And again (par. 9), "A tenant who pays his rent is very seldom evicted."†

(a) *The assertion has been disproved by the statistics of evictions.*—The full statistics of these alleged evictions have been already given,‡ shewing that the total number of evictions, other than for non-payment of rent, amounted only to 1 or 1.5 in the year for every 1,000 holdings, and that the number for all causes, including non-payment of rent,

\* *Ante* p. 183.    † *Ib.* pp. 184-185    ‡ *Ib.* pp. 256-257.

amounted only to from 3 to 6 in the 1,000 holdings each year. It, therefore, follows conclusively, that the average length of tenure as measured by evictions has been from 250 years to 1,000 years, so that this alleged confiscation of improvements by means of eviction has been proved a shameless invention and pretence.

(b) *It has been disproved by the fact that rents have not been generally raised.*—It has then been alleged that, although the tenants have not been evicted, their rents have been forcibly raised in respect of the improvements made by themselves. This again is refuted by the Report of the Bessborough Commission, which finds (par. 54), "*It has never been the practice in Ireland to exact the full commercial rent.*"\* It is also disproved by the fact that rents have not been raised at all in proportion to the increase of prices of agricultural produce.†

Judge Longfield says in the book before quoted, "The complaint of high rents has been made without ceasing for more than 300 years. There never was less ground for it than at the present day, although in some instances the rent demanded is still too high."

"It is comparatively a rare thing now for a landlord to let land at a rent which he does not believe the tenants ought to pay; and *rents are now generally paid* with reasonable punctuality."

\* See *Ante*, p. 108.

† See *Ante*, p. 189.

The testimony of Gerald Fitzgibbon, Q.C., for eight years the Receiver-Master of the Court of Chancery in Ireland is to the same effect. Writing in 1868, he states his own experience in these words:—"In the eight years I have had before me every year the names, and, to a very great extent, the individual condition and circumstances of near 19,000 tenants' holdings under the Court of Chancery." . . . He says further, "it is then sometimes alleged that, during the terminable right of holding the tenant has made improvements, either in confidence that he would not be disturbed, or forgetting that the power to evict him was in the hands of the landlords. *This is a mere invention, fabricated for the purpose of giving colour for legislative interference.* For one case in which a tenant makes improvements on a terminable or precarious tenure, 500 occur, in which he exhausts and deteriorates the land, and leaves it reduced to half its original value. The class of tenants who have ability to improve have also intelligence and prudence to be secure before they make improvement."\*

Such assertions of frequent increase of rent are made by responsible statesman upon the allegations of interested tenants or agitators, second or third hand. The Bessborough Commissioners did their utmost to find facts to substantiate that accusation, but failed to do so. While the evi-

\* "Ireland in 1868," pp. 294, 290.

dence of that Commission was reported from day to day, the Duke of Argyll was a member of the Government, and saw and studied it, and his testimony is this, "I have ransacked the Blue Book to find any tangible evidence for that accusation, and I cannot find it."\* Then as to "raising rents upon tenants' improvements," his Grace says, "Now, I will say this: I have gone through the Blue Book, as I firmly believe few other members of the house have gone through it, and I have not seen one single case in which the data are given, upon which you can judge whether the increment has been an unfair one upon the tenants' improvements, or a perfectly fair one upon the share which belongs to the landlord, in the soil which has yielded the increase." In like manner, with regard to "eating up the tenant-right by increase of rent," the agent of the largest tenant-right association in the North proved (p. 31) that the selling price during the last ten years was not smaller."†

The utter falsehood of these assertions is so completely proved by the commentary of the Duke of Argyll upon the Report and evidence of that Commission, that further proof is unnecessary.‡

As to the reality of these alleged improvements, it has already been shown that the claims which came before the Court were three times as much

\* See Speech of June 1st, p. 23.

† Ibid, p. 25.

‡ See Speech of the Duke of Argyll, June 1, 1881, pp. 20 to 31.

as could be justly allowed;\* that the farms were originally given to the tenantry in good grass,† and were destroyed by burning.‡ Lord Dufferin says, “Bad cultivation has, perhaps, destroyed more of the primeval fecundity of Ireland than good husbandry has evoked. . . . The high prices in the middle of the last century tempted the occupiers to turn the pasture into tillage.” The returns prepared by the Land Committee in reference to nearly seven million acres of arable land, occupied by 201,631, or more than one-third, of the tenants may be taken as a fair average of Ireland. From them it appears that upon 73.84 per cent. of the lands, there has not been any rise of rent for twenty years, and that upon 22.24 per cent. there has been no rise of rent for forty years. When these facts are taken in connection with the two other facts, viz., that 77.2 per cent.§ of all the farms in Ireland are held on tenancies from year to year, and that during the last thirty-five years the price of corn has increased 20 or 30 per cent., the price of butter 55 or 70 per cent., the price of meat, 50 or 70 per cent.,|| and the price of young stock and all other agricultural produce in a like proportion, it proves beyond doubt that, so far from the great majority of landlords raising the rents upon tenants’ improvements, they have not even sought from the

\* *Ante*, p. 188.      † *Ante*, p. 223.      ‡ *Ante*, p. 216.

§ Eason’s Almanack, p. 136, also Appendix.    || *Ante*, p. 81.

See Tables II., IV., and V., *ante*, pp. 14, 81, and 82.



tenants the natural increase of rent to which they were justly entitled in respect of the increase of the price of agricultural produce, or, in other words, the increase of money and the depreciation of its value.

(c.) *It is disproved by the provisions of the Act of 1870, and by the fact that there were few, if any, tenants' improvements.*—Prior to the Act of 1870 the tenants had no legal right to be compensated for their improvements, and therefore grounds existed for their agitating for this security. But the allegation that such improvements used to be extensively confiscated was a pretence. That Act secured to the tenant a legal right to the fullest compensation for all improvements of every kind, and not only this, but also compensation on a scale of from one to seven years' rent, in case he was disturbed in the possession of his farm.\* Froude, the Historian, says of that Act that it gave protection to the tenantry, which has no parallel in any European country. The proceedings under that Act have been already referred to;† and it has been shown that the Act was not needed, as the tenants for the most part had sufficient security in the moral obligation under which the landlord had always acted, and had no need to have recourse to the legal right given by that Act. Although the

\* See "Tenants' Privileges in 1879," Appx. post.

† *Ante*, p. 188.

Act gave not only compensation for improvements but also the unjust and oppressive claim of compensation for disturbance, yet the number of applications under it have been only about one each year for every 1,000 holdings, while decrees in favor of the tenants have been about one each year for every 5,000 holdings. Ten per cent. of all the claims have been entirely dismissed by the Court as untenable, and in all the cases decreed the amount of the claims have been enormously reduced, thus showing that the Act was not needed, and only proving the unjust and extravagant nature of the demands of the tenants.\* So far from their being any confiscation of tenants' improvements, one-half of the cases brought into Court, and one-half of the money decreed as compensation, was decreed, not in respect of improvements, but in respect of the Ulster tenant-right, which existed without the Act.

With regard to the large holdings, the tenants have been able to protect themselves. Judge Longfield says: "Improving tenants without leases would not be so foolish as thus to lay out their capital without a confident expectation, founded on the prevailing customs, that the landlord would not take advantage of their confidence in his honour.

\* A like exposure of attempted fraud by tenants has taken place under the Act of 1881, as to setting aside leases under sec. 21 for undue pressure. Out of 673 cases already disposed of, only 72 leases have been set aside. Parliamentary Papers, April 25th, 1882, Appendix.

*Cases of inconsiderate and unjust harshness could never have been very frequent, and they are now exceedingly rare. . . .* As to evictions of solvent tenants, I believe them to be more rare in Ireland than in England."\* With regard to most of the small holdings (48 per cent. of the holdings in Ireland are under fifteen acres each), the only improvements in three provinces† were the mud cabins, raised at the cost of some £2 or £3 with some idle time, and some reclamation of cut-away bogs, which at once repaid the expenditure.

The Act of 1881 appointing Commissioners to fix rents is based upon the long-exploded principle of the Statutes of Henry VIII., which enabled Government to fix the prices of meat, poultry, cheese, and butter. It ignores the change in prices, and seems to sanction the prairie value when beef was a halfpenny a pound.‡

Instead of Irish landlords increasing their rents in respect of tenants' improvements, the course which they have pursued during the last thirty years will compare favourably with that of any other class of men in the world. A pressure for land existed upon every side; the tenants held

\* Systems of Land Tenure, p. 65. † See *Ante*. p. 129.

‡ By the 24th Henry VII., c. 3 (A.D. 1532-3), beef and pork were ordered to be sold at a halfpenny a pound, mutton and veal at a halfpenny half-farthing a pound. In 1544 an acre of good land was let in Cambridgeshire for one shilling.—Hume's England, cap. cap. 33.

nearly all from year to year ; the prices of produce increased enormously ; the value of money greatly decreased, thus vastly depreciating the value to the landlord of the original rents, and yet "they never exacted a commercial rent."

The landlords of Ulster allowed the tenants to acquire in their tenancies from year to year an interest almost equal in value to that of the landlord, and permitted them without any legal right to sell it at prices sometimes equal to the fee-simple. Even where this right had not grown up, the long continuance of an undisturbed tenancy from year to year "came to be looked upon by the tenants as a family property." The return which they have now met with from the British Parliament is that this kindness and forbearance to their tenants is made the excuse for the spoliation of their property, in order to gratify the cupidity and appease the violence of the tenants who have been spoiled by their indulgence.

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# PART III.

## DEMORALIZATION AND DANGERS, SOCIAL AND POLITICAL.

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### CHAPTER I.

#### THE "MAGIC OF PROPERTY," AND THE DEMORALIZING EFFECTS OF GIFTS OF PROPERTY, CONSIDERED.

Sec. 1. *The true application of the principle of the magic of property* pp. 296 to 312.

The most recent experience in Ireland has proved that gifts do not confer the "magic of property," p. 300. The example of foreign countries, p. 301. Ulster tenant-right, p. 304. Fixity of Tenure has already failed in Ireland, p. 306. Such confiscations are destructive of National honesty, and lead to Revolution, p. 310.

Sec. 2. *Gifts to a class are demoralizing, socially and politically,* pp. 312 to 371.

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1. *The true application of the principle of the "magic of property."*—One of the chief arguments relied on in support of giving fixity of tenure is, that by

conferring the "magic of property" it would lead to industry among the Irish peasantry.

This "magic of property" is a great economic truth. It is the source and spring of human industry in every department of life. It is the basis of civilized society. Men work for gain only when they know that they can keep or enjoy what they acquire. When all property is at the mercy of the savage-chief, or the robber-chief, or of the political communist, no man cares to accumulate it; but where property is held sacred, and there is a just law and a settled government to protect it, credit can exist, and trade and commerce flourish; and then men surround themselves with convenient and costly houses and gardens, and furniture, and dress, and horses, and servants. And thus as wealth accumulates and comforts increase, employment and maintenance are found for the poor in ministering to the enjoyments of the rich.

But to apply all this to the communistic suggestions of taking the landed property of one class and transferring it to another class without purchase, is only a perversion of this great truth. It matters not how ingeniously this transfer may be wrapped up in the ambiguous and mystifying clauses of an Act of Parliament, such unpurchased transfer can never confer upon the recipient "the magic of property." It can never impress him with the feeling that he will be secure in keep-

ing the fruits of his industry. It must long leave him under the constant fear which haunts the man who has by violence possessed himself of what belongs to another; it cannot teach him that the property thus transferred to him will be more secure in his hands than it was in the hands of the landlord from whom it has been plundered; it cannot teach him that industry and a respect for property are the proper inducements to the acquisition of property, the true safeguards for its enjoyment, and the best securities for the progress of civilization. It may, on the other hand, teach him the dangerous doctrine that the swiftest and easiest road to wealth and property is to plunder them from the present owners.

The true sense and meaning of the "magic of property" is that every man shall be secured in the enjoyments of the fruits of his own industry. It has already been shown that even before the Act of 1870 the Irish tenant had that security—a security which, if measured by the number of actual evictions, amounted to an average tenure of from 500 to 1,000 years; a tenure which had been so little liable to be disturbed, that the Report of the Bessborough Commissioners found that tenants looked upon the farms they held from year to year as the "family property;" Ulster had always its tenant-right, and by the Act of 1870 the fullest possible security, even more than was compatible with justice, was given in the

other provinces. The whole value of the principle depends upon the property so secured being the fruits of the man's own industry or thrift. Its effect depends upon a man working from day to day with the knowledge that the property he is creating is secure—secure from legal confiscation as well as from individual plunder. The Irish tenant had all this before 1881. What is given to him by the Act of that year is not a security in anything which he has earned or purchased, but it is the ownership of the land of another.\* He must see and know this. He must see and know that in violation of his own contract as a tenant, the fixity of tenure which has been given to him is a share of the ownership of the land which belonged to another. In almost every case, if we go far enough back, that ownership was purchased by the man now despoiled of it with the hard and life-long earnings of himself or his ancestors; and every tenant must see that he has been given what he never earned, and never purchased, and that instead of property protected and secured, it is property plundered and bestowed; that instead of the fruits of a tenant's industry secured, it is the fruits of the industry of the landlord or his ancestors plundered

‡ The interest so transferred in the three Southern Provinces is valued, irrespective of the reductions of rent, at £112,720,922. See *Ante*, p. 174.



by the State, and transferred to the tenants. Many a tenant in the three southern provinces, who got a farm not five years ago without purchase, is told by this Act that to-morrow he may sell it for £15 or £20 an acre, perhaps for as much as the fee-simple estate of the landlord, who rented it to him from year to year. This cannot fail to produce in the tenant idleness instead of industry, and extravagance instead of thrift. Such a transaction, instead of bearing the impress of "the magic of property," must leave the indelible stamp of the corrupting consequences of legalized spoliation.

*The most recent experience in Ireland has proved that gifts do not confer the "magic of property."*—Mr. Sinclair, in a pamphlet, refers to the actual result of the purchase of the Church lands in Ireland, and the gift of their farms to the tenants under the Act of 1869.\* The substance of his testimony is summarised in the *Quarterly Review* of January, 1881,† thus: "Mr. Sinclair demonstrates, from intimate enquiries on the spot, that even in Donegal only three successful purchasers of glebe lands were found out of fifty-nine tenants, and these three were worse off than they had been before; that many of the purchasers of glebe lands have been swindled and ruined by the usurers from

\* See mode in which this was carried out, *Ante*, p. 141.

† See *Quarterly Review*, January, 1881, p. 287.

whom they borrowed the purchase-money; and that in the parish of Templecroon, which was referred to on a former occasion in this journal, twenty-eight purchasers out of fifty got into the clutches of the local usurer."

The testimony of the best informed witnesses upon the two Land Commissions, the testimony of the most trustworthy writers as to the long leases given during the last century, prove the same thing.\* Practical experience as to Ireland rebuts this theory of the "magic of property," as applied by means of permanency of tenure given to Irish tenants.

*The example of Foreign countries is referred to.*—France, and Belgium, and Switzerland, and the North of Ireland are pointed at, as showing the industry produced by the occupier being made the owner—as showing the "magic of property." With regard to those European countries, the effect is for the most part taken for the cause. So far as the peasants in those countries are well off and the land well tilled, it is not because they are peasant proprietors, but because the land having been saleable in small lots for generations, those who have money and knowledge of farming, and intense industry, have secured the possession of the land. It was not the possession of the land

\* See *post*, p. 306.

that made them industrious, but having acquired money by a long life of toil, they bought up the land from those who failed. Year by year any who exhibit the idleness and want of thrift of a large proportion of the Irish tenants are sold out without mercy, and make way for others. The entire conditions of the whole case of thus giving fixity of tenure to the Irish occupiers is the very opposite of all that exists in those countries. The position of the Irish occupier, with regard to his land, his family, his employment, his home, his want of industry, and want of thrift, are all the very reverse of what obtains in these countries, and no Act or series of Acts of Parliament can alter them. It is said that the farming on these small holdings is very good, but a very large proportion of these peasant holdings are not farmed by the owners. M. de Lavergne says, that "one-third of France is possessed by great landowners, while the cultivation of the vine, requiring close attention and minute handling, renders *la petite culture* more suitable to France." Lord Dufferin says, "In Flanders the cultivation is superior to that of Normandy, but in Flanders the majority of the cultivators are tenants under short leases of nine, five, or three years; whereas, in the north of France most of the land is cultivated by peasants holding in perpetuity."\* In a vast number of cases the poverty and industry†

\* See Lord Dufferin on Mill's Plan, 1868, p. 24.

† See *Contemporary*, April, 1882, by Lady Verney. Appendix.

of the owners of these small plots drive them over every part of the world for the first forty years of their lives, to seek a livelihood and save money, while one tenant rents and farms the estates of twenty or thirty peasant proprietors. Anyone who has seen the mode of farming in these countries will have observed that the conditions there are quite impossible here. In many parts there are not as many fences in 100 miles of country as there are to be found in every mile here. In vast tracts, instead of the cottage, with the home and the family in it, on every ten or fifteen acres, as here, there are miles of country divided by land marks into the smallest possible sub-divisions, not merely of ten acres each, but of one rood or less, with the owners living in a village two or three miles away, and chiefly living by other employments; and if he cultivates his little plot himself, obliged to carry his day's food with him; not a horse to plough or labour the land; the plot too often so small that it cannot be ploughed; not a beast can go into a field unless with a keeper, to prevent it trespassing; the milch cow that supplies the family is often the only beast of burden to carry in the crop or to carry out the manure; as may be seen at any time even close to the city of Brussels. It has very often to be carried upon the people's backs. Will an Act of Parliament, by this phantom of the "magic of property," level all the fences in Ireland, pull down the quiet homes

of the once-happy tenant and his virtuous wife and family, and drive them to the corrupting influences of the town, with less employment than the little that the farm affords ? Or, if all this transformation were possible, would it promote the happiness of the people ?

*The Ulster Tenant-Right is then referred to.—*

It is said that when tenant-right, which is a sort of fixity of tenure, succeeded so well in the Province of Ulster, why should it not succeed in the rest of Ireland ? There again the conditions are entirely different. Tenant-right has grown up gradually for a century. There is hardly a farm in Ulster that has not been purchased at £10, £20, £30, or £60 an acre within the last two centuries, with the hard earnings of the present tenant or his ancestors. Statutable fixity of tenure for the Ulster tenant only secured to him more fully what he already had. Nearly the whole body of occupiers in Ulster are different in race, religion and habits, socially and commercially from the occupiers in the other provinces, and in forming these distinctions, tenant-right cannot have had the slightest influence. It is again mistaking in a great measure the cause for the effect. Tenant-right has survived in the North, on account of the difference of race and habits of industry, as well as the existence of a commercial employment, to supply the means of purchasing farms. Can

it even be called a success, when the tenants are borne down by the oppression of a double rent—in rent and purchase-money—and the latter pushed up to the highest competition price; and when a large proportion of them are in consequence poorer and more steeped in debt than the tenants of the South?

This argument for fixity of tenure, drawn from the magic of property, when stripped of all the fine talk with which enthusiastic theorists have enveloped it, at once appears inapplicable and absurd. The reasoning put forward is this—that tenants in Ireland who hire or borrow small farms of land are not industrious or thrifty; whereas, the peasants in other countries who own small properties in land are industrious, thrifty and contented; therefore, it is said necessarily to follow that if tenants in Ireland were made a present of the small farms which they rent, and thus converted by Act of Parliament into owners, they would at once become industrious, thrifty, and contented. Is it not also very generally true that those who hire or borrow money are not industrious or thrifty; while those who have money to lend generally are industrious and thrifty? Does it follow that if the borrowers of money were made a present of the money borrowed they would become industrious and thrifty? Is it not more probable, or rather more certain, that the sudden possession of such property, whether in the case of the money or the

land, obtained without exertion and unearned by industry, would lead to extravagance, indolence, poverty, debt, and discontent?\*

*Fixity of Tenure has already failed in Ireland.*—Long leases at small rents once prevailed over the greater part of Ireland, and it is admitted upon all sides that they only led to subletting, rack-renting, poverty and ruin. Judge Longfield says :—" For some time after the Act of Settlement, leases were granted more readily and for longer terms in Ireland than in England. Fee-farm grants, leases for lives renewable for ever, and leases for terms exceeding 100 years in duration, covered no small portion of the soil of Ireland. But these long leases at moderate rents did not produce a contented tenantry; they only created a race of middlemen. The descendants of the men who granted these long leases had the mortification of finding that they were deriving a very small income from their estates in proportion to the land, and yet the occupying tenants were as poor as if they had regularly demanded the utmost penny that the land could yield."† All experience shows that this permanency of tenure, or magic of property, has not the tendency in Ireland to produce that industry and thrift which visionary theorists expect. It has been already tried, under conditions much

\* See *Ante*, p. 29.

† Land Tenures, p. 4.

more favourable than any that are possible now.\* It has been tried when the lands were not occupied as they are now, by the multitude of impracticable small holders of five or ten acres each, and were unexhausted by continuous bad farming. During the last century, farms of from 50 to 200 acres each were let upon leases for lives renewable for ever, or upon very long terms, and the result was that these tenants, or more strictly, part owners, soon became too self-important, or too indolent to manage their own lands, and sublet and subdivided at greatly increased rents until the whole country became pauperised. They were known at the beginning of the present century as the race of rack-renting middlemen, by whom the country had been ruined.† Arthur Young, writing of 1770, says, "I have in different parts of the kingdom seen farms fallen in after leases of three lives of the duration of fifty, sixty, or even seventy years, in which the residence of the principal tenant was not to be distinguished from the cottared fields surrounding it. . . . *If long leases at low rents and profit incomes would have improved it, Ireland would long ago have been a garden.*"

Lord Dufferin writing upon the subject, in answer to Mill, says, "Both north and south it was the general custom of the landlords to grant long leases of three lives, or sixty-one years, which fre-

\* See *Ante* p. 221, 223.

† See Subletting, *Ante*. 220 to 229.



quently was tantamount to a tenure of eighty or ninety years. Under the protection of these prolonged tenures, the people dealt with the land pretty much as they chose. They divided it, they sublet it, they willed it away, they charged it with dowries and annuities."\*

This matter has been already alluded to, and some of the proofs given, when speaking of *subletting and subdivision*.† The words of Daniel O'Connell, spoken in 1827, are there quoted, that, "*The greater portion of this country is let on leases for lives renewable for ever,*" and the Report of the Devon Commission gives the particulars of James Cather's estate, as the type of what had existed during the last century—"great portions were let on sixty-one years leases," . . . "the farms at the time they were let, nearly all in grass with scarcely any inhabitants on them, and the lessees held the whole farm."‡ This was before the value of the soil was destroyed by burning.§ Here then were conditions most favourable for the testing the principles of this magic of property. Farms large enough to employ industry and capital; the land in the best condition with its virgin soil; prices continually rising; no incumbrance of an overcrowded population or crushing Poor Law, and the result was that

\* Mill's Plan for the Pacification of Ireland, examined by Lord Dufferin, p. 26.

† *Ante*. p. 220.

‡ *Ante*. p. 223.

§ *Ante*. p. 220.

which has been already commented on, ending in the crushing catastrophe of 1847—9.\* What can be hoped for from a repetition of the experiment under the present altered conditions? giving fixity of tenure to every occupier, regardless of his want of capital, his want of knowledge, his want of industry, and above all, with forty-five per cent. of all the farms under fifteen acres each.

This testimony of Judge Longfield is to the same effect. He says:† “It is a sad sight to see a holding of four acres, of which only one is in a state of cultivation, and that often a cultivation of the worst kind. The remaining three acres are taking a long rest after having been over-cropped, and the entire is full of weeds. Meantime the peasant is looking idly on, and between the time of planting his potatoes and digging them, spends only a few days’ labour on his farm in earthing them. *His short or long tenure has nothing to do with the matter. The work which he neglects is precisely that which would yield him an immediate return.*”‡

Thus all past experience in Ireland gives warning of the danger of thus bestowing a general and indiscriminate “Fixity of Tenure” upon all occupiers, regardless of the size of their buildings, or of their want of the capital, industry, and thrift

\* See Part II., cap. iv., Sec. 1, *Ante*. p. 209.

† System of Land Tenures, p. 4.

‡ Systems of Land Tenure, printed by the Cobden Club, p. 37.

necessary to fit them for such a condition. The impoverishment and ruin of the occupiers themselves by such fatal gifts are not the only or the greatest evils to be dreaded. This wholesale transfer of property, valued at many millions,\* a transfer without purchase and without right from one class to another, while it robs the former must debase and degrade the latter, and must necessarily create a greed for plunder. The attempt to guild over the transaction with specious phrases, by talking of conferring upon tenants the "magic of property" may for a time deceive those not acquainted with the subject. It cannot and will not deceive the tenants themselves, nor hide from them the fatal knowledge that by violence they have wrung from weak and vacillating defenders of the State, rights of property of enormous value to which they had no claim in law or equity. The degrading and dangerous consequences of such a policy are subjects for the gravest consideration.

*Such confiscations are destructive of National honesty and tend to revolution.* This endeavour to cloak concessions to a determined greed for plunder under the pretence of their conferring the "magic of property," is destructive alike of national honesty and of personal integrity. Confiscation of property, instead of promoting industry and enterprise, by rendering property secure, must

\* See *Ante*, p. 146 and 174. Amount £112,720,992.

choke the springs of human industry at their source. It is calculated to debase and degrade the national mind, to foster in all classes, and especially the poorest, the spirit of a selfish and unlawful grasping at the property of others. Such principles have ever been the fruitful seeds of bloody revolutions. The hollow pretence of saying that such confiscations could confer the "magic of property," will no more deceive any thinking mind, than the dignifying of the sanguinary proceedings of the revolutionary mobs of Paris in 1792, with the names of "Liberty and Fraternity." The observations of the historian Alison, as to the causes of that revolution are very instructive upon this matter. He says,\* "A revolution is the result of a diseased state of the national mind; the spirit which gives rise to it issues from the selfish recesses of the heart; it is wholly distinct from the passionate love of freedom, which springs from the generous affections, and is founded on the noblest principles of our nature. The latter is founded in virtue, the former in vice; the latter in the love of freedom, the former in the passion for licentiousness; the latter in generosity, the former in selfishness. *Hypocrisy* is the invariable characteristic of the revolutionary principle; *it borrows the glow of generosity to cover the blackness of selfishness; ever using the language of freedom, it is ever prompt in the*

\* Alison's History of Europe, I., p. 281.

*actions of despotism."* Could there be a more accurate description than this of the proceedings of the Land League in Ireland for the last two years, and of the language of the leading members of the Government,\* saying that they were securing the property of the landlords by the Bill of 1881, while they were insidiously providing the instruments by which they might confiscate it to the extent of some four millions a year. Alison points out again the terrible danger of these revolutionary principles. "It is not social evil," he says, "but the loss of national virtue which converts the struggle for liberty into the horrors of revolution, and the one will never be turned into the other, till the love of freedom has been converted into the thirst for plunder among the poor, and the bravery which won property has been extinguished by the enjoyments to which it has led among the rich."†

2nd. *Such gifts to a class, as Fixity of Tenure, have a demoralising influence socially as well as politically.—*

This, and not the theoretic "magic of property," has even now shown its effects upon the minds of the people. The wildest dreams of interested agitators preaching communism, have been made realities. The corrupting influence of such teaching

\* See extracts of these statements in Land Committee's Paper, No. 14, pp. 8, 9, 12. † Alison, I., 284.

is no longer limited, as it used to be, to the criminal classes, who have nothing to lose, and who are always ready for the remotest chance of plunder ; but sober-minded, honest farmers, with abundant means, and large farms—men who were heretofore always ready to fulfil their obligations, and pay the rents they had contracted for, are carried away by the terrible temptation of the solid and continuing gain of Fixity of Tenure, and largely reduced rents. They, therefore, join in the agitation, and gladly submit to the revolutionary guidance of the leaders by whom they have gained so much. Judge Longfield, writing in 1870, before the possibility of such an Act as that of 1881 was dreamed of, shows the effect of contracts being evaded by any dishonest device. He says—"There is one person in particular that cannot claim the land without the *most shameless dishonesty*, and that is the tenant who has obtained a temporary possession of the land by means of a contract with the landlord." . . . "It is inconsistent with justice that a man should hold land at a certain rent, and for a certain term, without any claim except that he took the land for a different term, and for a different rent. A man takes a farm to-day, and demands that a law shall be made which would enable him to sell his lease next day for several hundred pounds." \*

\* Systems of Land Tenure, p. 88.

The extreme danger of leaving the solid basis of contract has been already pointed out in Part I., published more than twelve months ago.\* The day before the Act of 1881 passed, the tenant's interest in his farm, where there was no tenant-right, was an unsaleable tenancy from year to year, with a right to full compensation for improvements, and in some cases for disturbance. That tenure was, by the Act, converted into a saleable tenancy for fifteen years, renewable for ever.† It will presently sell for £10, £15, or, perhaps, £20 an acre, irrespective of all improvements. This is clearly so much money transferred from the pocket of the landlord to the pocket of the tenant. Although this transfer was made through the instrumentality of an Act of Parliament, many tenants at first knew and felt in their inmost consciences that they had become possessed of so much property plundered from their landlords. But the greed of gain soon suggested excuses, and convinced them of imaginary rights. The communism preached by crafty and designing agitators, the ambiguous language of leading statesmen, and above all, the confirmation of Parliament given by the Act may soon be conclusive to the minds of all, that as the "tillers of the soil" they are its rightful owners. The conscience soon

\* "Fair Rents, *ante*, p. 47.

† See *ante*, p. 159.

becomes seared, the moral sense warped to wrong, and the whole nature corrupted. The Commandment, "Thou shalt not steal," if at first it forces itself upon the memory and conscience, will soon be silenced by the speculative falsehood, "what I took was my own by the Rights of Man." These ominous words have played their part in more than one disastrous and bloody revolution.

This is a feeling in the mind which must naturally grow with every success of the evil principle, and every concession made to it. When, by Fixity of Tenure, a tenant is released from the contract which he has entered into with his landlord, and is then told that "landlordism should be abolished," because the "occupier is the rightful owner," what is more natural than that, as his interest lies so entirely that way, he should be convinced that he is the rightful owner, and that he has for years been robbed by a tyrant landlord, exacting rent from him for what was his own as occupier. When, moreover, a tribunal is established, again contrary to the contract, to minimise the rent, its natural effect upon his mind must be to confirm his notion of his own ownership, to make all exaction of rent † appear in his eyes oppressive and unjust. If, he argues, the landlord had a right to any rent, it was a right to the rent contracted for, and his right depended upon the contract.

† See letter of Roman Catholic Archbishop of Tuam, *post*.



But Parliament, he continues, a Landlord Parliament, annulled the contract, and thereby confessed that it was unjust, and yet they seek to substitute another rent of their own imposing, in order to continue the injustice. These are the natural and necessary deductions in the minds of the tenants from the principles of the Act of 1881, from its annulling the existing contracts, and substituting for them Fixity of Tenure and Parliamentary rents.\* These are the demoralising influences which are shaking the foundations of social order and of public morality among the agricultural classes, and every reduction of rent adds fuel to the flame.†

*The annulling of contracts, and transferring of property, an admission of the communistic doctrines preached.*—It is, say the agitators, a niggardly instalment of the "Rights of the People," whose property has been robbed from them. It is an admission of the socialistic principles of the *Irish World*, upon which this agitation was commenced and carried on. That paper, published upon the safe shores of America, announced in a deliberately drawn manifesto, on August 30, 1879, that "there has never yet been a time in the history of Ireland when men, con-

\* *Ante* 46.

† Since the above was written, the wholesale reduction of rents by the Sub-Commissioners, and the almost wholesale refusal of the tenants to pay rents, affords confirmation of an alarming character. See Appendix.

secrated to the liberation of their mother-land, were more zealous in the cause. . . . . *The men of to-day have discovered there is such a thing as land, and that every man born into the world, within the sea-girt margin of Ireland, has an inalienable right to a man's share of that land."*

The principles of such communism were briefly but forcibly expressed at a meeting held at Charing Cross in June, 1869, by one who was afterwards a Paris Communist in 1870, he said—"All labourers, all proletarians, are brethren; society at large, built up as it now is, society is our sworn enemy. . . . . War, war to the knife, to capital, to property, and to every government which protects them! The right of labour to all, the right of property to all—such is our object. To attain that object we will spare no effort, we will fight, we will die, if required, under the guidance of the red flag, that standard of Socialism and of the Commune."\*

The principles of the *Irish World* were announced as indicating the lines upon which the Irish agitation was to be carried on. The party who held that "force was no remedy," who had perfect confidence in the "magic of property," who believed that these advocates of public plunder, and of a general division of the land, could be bribed into satiety and a respect for property, came

\* Cassell's "Franco-Prussian War," II., 507.

into power in April, 1880, with a majority of 150 or more in the House of Commons. They had nearly two years of unchecked liberty to teach and practise their doctrines. They had no scruples in announcing, and in putting into practice their determination to rob the landlords, in order to procure the means—the gifts—the bribes where-with it was hoped to buy off communism.

The demoralising consequences of these proceedings, leading up to and ending in the declaration to pay no rent, will be presently alluded to.

The people and their leaders who were to have been so attracted and influenced by this "magic of property," by the immediate prospect of having rights of property to the extent of some £100,000,000\* transferred to them from the landlords' estates, instead of being thereby taught a respect for property, were led to believe that their own principles of communism and socialism were admitted to be right, or that right or wrong they had power to enforce them; and that they had too long been oppressed by the "land robbers"—the landlords, to accept so small an instalment as was offered. With a paradox of contradiction, the leaders whose principles were, to a large extent, adopted by Parliament, were themselves incarcerated for wishing to carry them a little farther. The principles of the Bill of 1881, while yet they were only under dis-

\* See *Ante*, p. 174.

cussion, and entirely unsanctioned by Parliament, were aptly and forcibly described lately by a Noble Lord. He pointed out when these communistic doctrines were urged, and a proposal made to appoint a Land Commission to carry them into effect, that it would be endorsing acts of illegality and spoliation. His words are these—"It is a contention that the highwayman on Bagshot Heath instead of being dealt with by the strong arm of the law, is to be invested with a Royal Commission to rob the Queen's subjects, in order that legality may square with fact."

Dick Turpin, the highwayman, used to plunder the rich, and give many gifts to the poor. He thought that the goods of this world were not equitably divided, and he set himself and his followers to adjust the balance after his own fashion (so he said), and to pay themselves for their trouble. If the Parliament of that day had only placed a commissioner on the highway, with directions to insist upon every passer-by paying something to the robber, would any sane man have expected that his robberies would have been the less, and not rather that the robbers, when legally sanctioned, would have become tenfold more exacting, and that thousands of Dick Turpins would at once have started upon the profitable trade. The demoralising influence of the Act of 1881 is of the same description, only it is more refined,

more insidious, more far-reaching, and more destructive of social order.

*These fatal concessions were similar to those made in France in 1788 and 1789.* A struggle for the overthrow of all property in the present owners in land in Ireland has been plainly avowed.\* The first object of the widespread organization of the Land League was not left to conjecture. It was plainly declared, viz., to "abolish landlordism," to obtain "the land for the people," to plunder the landlords in order to appease the cupidity of the tenants. It was an attack upon property, an attack maintained by violence, crime, and outrage. Instead of being met by firm resistance, as order and good government demanded, it was met by a concession to this violence, by a transfer of one-third of the property of the landlords to the tenants,† and its result has been to increase enormously the difficulty and the danger. The concessions of Mr. Gladstone may well be compared to the fatal concessions of Necker in 1788, which led up to the bloody revolution in France. A struggle was there impending between the privileged orders and the people. On the 27th December, 1788, he made the fatal proposal, with the consent of the King, "that the number of deputies of the Tiers Etât should be equal to that of the other two orders together." They had previously been only about two-thirds

\* *Ante*, p. 317.

† *Ante*, p. 174.

of the other two orders. Soon after he consented to a fresh innovation that the three orders should sit and vote together, and thus the power of the clergy and the nobles in the States General was annihilated. While Necker was thus kindling with his own hands the flames of the revolution, and giving breadth, and force, and endurance to its fatal power, he was writing and speaking only words of a foolish optimism very similar to those used by the authors of the confiscation of landed property in Ireland. He said of the members of the Tiers Etat—" Their intelligence and goodness of disposition are a sufficient guarantee against all the apprehensions at present entertained of their excesses." It was the assembly of which he thus spoke that connived at the sacking of the Bastille by the Paris mob, in July, 1789, and afterwards passed the Decrees of August, 1789, by which all the property of the clergy and of the nobles was confiscated, and they themselves left to the inhuman violence of the insurgents. Alison, writing of this concession as to the Tiers Etat, says—" Admitting that a struggle was inevitable, the question remains, was it expedient to make so extraordinary an addition to the powers of the people at such a crisis, to double the number of the representatives on the eve of a conflict? The result proved that it was not." And so it may be asked, was it well, in view of the impending struggle with communism and socialism, to meet its first attacks upon property in

land in Ireland by a surrender of one-third of the property to such demands? Was it well to increase the power of communism by making its most determined and violent advocates part owners of the soil? The answer may be given in the words of Alison—"The results proved that it was not. It was intended to conciliate, it had the effect of alienating; it was meant to attach the people to the throne, it made them combine for its overthrow; it was designed to produce oblivion for past injury, it induced ambition of future elevation."\* The words of the first Napoleon upon the same subject are significant—"The concessions of Necker were the work of a man ignorant of the first principles of the government of mankind. It was he who overturned the monarchy, and brought Louis XVI. to the scaffold. Marat, Danton, Robespierre himself did less mischief to France; he brought on the revolution which they consummated. . . . Necker was the author of all the evils which desolated France during the revolution; all the blood that was shed rests on his head." God grant that Ireland may not soon be driven to bewail in Mr. Gladstone a second Necker.

*The rapid progress of demoralization in Ireland since 1868.*—A total disregard of the plainest rights of property by which civil society is held together,

\* Alison I., 496. For the effect in Ireland see post.

followed as a necessary consequence from the misguided course of legislation, then entered upon. The course pursued has been already briefly alluded to.\* The rapid inroads upon property made by the several statutes there mentioned have had their sad effect. Some further proofs of this may be here added. The tithes, being an irritating tax, were first made payable as a fixed sum in money instead of in kind; and in 1839, were made payable by the landlords instead of the occupying tenants of limited tenures. This was done at that time as a concession to turbulence and violence, and so we find its effects in the Land League speeches in 1880, and 1881. The "No Rent" Manifesto of October, 1881, said plainly, "Pay No Rents under any circumstances . . . your fathers abolished tithes by the same method."

The ambiguous language of responsible ministers for the last two years has given a terrible force to this teaching.† The astounding statement just made by Mr. Gladstone in Parliament apparently adopts this precedent, and calmly seems to anticipate a like result in the abolishing of all rent, and carelessly contemplates it as a "Social Revolution." He says, "When you go back for fifty years what you find is a miniature of the operations which have been going on for the

\* *Ante*, pp. 140 to 153.

† See Speech in House of Commons, April 4th, 1882. Appendix.



last three or four years—I mean—that the resistance to tithe, which completely defeated the Government of that day, with all its means, and the Parliament of that day, was, after all, but a miniature of the resistance to rent which has been the basis of the present movement. The hon. member has not appreciated the gravity of this *Social Revolution*." For twelve months the country has been told that the "message of peace" in the Land Act of 1881 would dissipate all disturbance and discontent; now the truth begins to dawn on the Prime Minister that this unwise and unjust inroad upon property has precipitated a terrible Revolution.

By the Church Act of 1869, the tenants of glebe lands were made the owners, practically without purchase. The necessary effect of that gift of property, amounting to some 90,000 a year, has been already pointed out.†

By the Act of 1870, over and above compensation for improvements (which was quite right) a far-reaching presumption was added, that all improvements belonged to the tenant unless the landlord could prove the contrary. In reference to this provision, almost harmless in comparison to the Act of 1881, Lord Sherbrook wrote in the "Nineteenth Century," in Nov. 1880, "What the tenant dare not ask was given him by an *ex post facto* law. Such a proceeding seems to me, the very height of injustice and folly. . . . If you think

† *Ante*, p. 141.

that injustice has been done under your law, repeal it (the old law), giving improvements to the landlord for the future; but beware of teaching the lesson, that our law is not a guide but a snare, —not a light to direct, but an *ignis fatuus* to mislead.”\*

That Act went still further, by giving Compensation for Disturbance, which was valued at £20,000,000, placed under the power of the County Courts.†

The authors of these measures went out of office in 1874. They were defeated at the elections by a large majority, and the hope of further plunder then ceased. Agitation lost its power, for its hope of gain was gone; the country was gradually settling down to industry and peace. The outrages, which under the stimulus of this policy, had increased to 3,153 in 1869, and to 4,357 in 1870, and was still up to 3,338 in 1872, decreased to 2,303 in 1877, were 2,524 in 1878, and in the disastrous and trying year of 1879 were still only 3,505.‡ In March, 1880, before the change of Government, the testimony of Mr. Gladstone was that there was an absence of crime “unknown in the previous history of the country.”§ The effect

\* See Nineteenth Century, Nov., 1880, p. 686.

† See *ante*, p. 145. § *Ante*, p. 151.

‡ In 1880 they increased to 5,669, and in 1881 to 7,738. The agrarian outrages were—(1869) 767; (1870) 1329; (1875) 136; (1876) 212; (1877) 236; (1878) 301; (1879) 863; (1880) 2585; (1881) 4439.

of the Midlothian speeches had not then been realised.\* The result of the General Election which brought back to office, with an immense majority, the authors of the confiscating Acts of 1869 and 1870 had not then begun to operate.†

*Agitation subsiding in 1878.*—The Home Rule Party were then still dragging on a languid existence. On Feb. 4, 1879, a conference of Irish Members was held at the Rotunda, calling itself a National Land Conference, and resolutions were passed demanding "further protection for the occupier of the soil in the security of his home, and the enjoyment of the fruits of his industry."‡ A speech of Mr. Parnell's, at Cavan, on the 14th April, 1879, shews the feeling then entertained. He said, "The final settlement of the Land Question under present circumstances is impossible, . . . . they might obtain a measure to prevent evictions, and the unjust raising of rents . . . . but sooner or later, by purchasing the interest of the landlords, it might be possible for every tenant to be the owner of his farm. . . . . He thought this a matter that might not come, perhaps, for many years."§ Such were the feeble anticipa-

\* *Ante*, p. 148. See outrages, *ante*, p. 325.

† *Ante*, pp. 144-146.

‡ See the "Irish Agitator in Parliament and on the Platform," p. 19.

§ *ib.* p. 40.

tions at that time, when the authors of confiscation had not yet returned to power. But during the year 1879, the excessively bad season and consequent distress, stimulated the agitation. Then Mr. Parnell first began advising the tenants to hold a firm grip of the land, and formulating a demand for fair rents. Michael Davitt, in June, 1879, at Miltown, Galway, suggested that the tenants should only pay what rents they liked, and should dare the landlords to put them out, and avowed himself a member of the Fenian conspiracy.\* The real agricultural distress that then existed in some districts somewhat mitigated the crime of these statements at that time.

*General Election.*—The necessarily near approach of a general election soon began to fill the minds of the agitators with expectation. Mr. Parnell, at a meeting at Tipperary, in September, 1879, gave this advice to the farmers: "When you do not get a reasonable reduction of rent, then I say, it is your duty to pay no rent at all."

*The Land League formed.*—*Its danger anticipated by Lord Beaconsfield.*—It had no real existence until the meeting in Dublin, on October 21st, 1879,

\* *Ib.* 58. See other Speeches, *ib.* 74-78. See also the Westmeath Manifesto in October, 1879—"Land must come down to its proper value, about two shillings and sixpence, or five shillings per acre."

when Mr. Parnell was appointed President, and Messrs. Kettle, Davitt, and Brennan, Secretaries, and its charter adopted.\* This charter was the first authentic document published by the Society. It provided for publishing the cases of eviction, and having meetings at the place at the time of eviction—the cases of rack-renting—the names of persons who took farms from which others were evicted. But it added this remarkable statement: “In denouncing existing land laws, we neither propose nor demand the confiscation of the interests which the landlords now hold in the land, but simply ask that compensation be given them for the loss of the said rights, when the State, for the peace, benefit, and happiness of the people, shall decree the abolition of the present system.” So far there were some bounds to the character of the agitation. In November the speeches became more violent, and the meetings more numerous, enlivened, with such mottoes as “Down with the land robbers,” “The land for the people.” On the 19th November, 1879, Messrs. Davitt, Daly, and Killeen, were arrested for sedition, and sent for trial. Messrs. Parnell and Dillon started for America on December 21st, and the agitation was continued there. Lord Beaconsfield, with the foresight of a true statesman, saw the impending danger, and in his letter to the Duke

\* See Appendix—Charter of Mr. Davitt's National Land League.

of Marlborough, March, 1880, announcing the dissolution said, "A danger, in its ultimate results, scarcely less disastrous than pestilence and famine, and which now engages your Excellency's anxious attention, distracts Ireland. . . . There are some who challenge the expediency of the Imperial character of this realm. The immediate dissolution of Parliament will afford an opportunity to the nation to decide upon a course which will influence its future fortunes, and shape its destiny. Rarely, in this century, has there been an occasion more critical." The General Election took place at the end of March, 1880. The Land League carried a number of seats in Ireland. The Radicals had a large majority in England, and the author of the Midlothian speeches returned to office as Prime Minister, with a power to fulfil his promises. The principles of the confiscations of 1869 and 1870 might be again reverted to. The "germs" of public plunder contained in these Acts then had their full effect. The agitators demanded that they should be developed. In a few months all was changed, as already stated.\* The hopes of future plunder were renewed. Agitations and meetings were carried on all over Ireland. The landlords were denounced, and threatened as legal robbers. The cry was, "The land for the people." "Landlordism must be abolished." The farmers were

\* *Ante*, p. 151.

plainly told, "Any man who pays an unjust rent, whether he can afford it or not, is an enemy to the common good," leaving the farmer himself to be the judge of what he thought an unjust rent. Outrages began rapidly to increase, and the meetings became still more violent and threatening. The remedy proposed by Government was their Bill of July, 1880, to stop all evictions for non-payment of rent, under a penalty to the landlord of having to pay the tenant several years' rent as compensation.

This made matters worse, and Mr. Dillon's advice was, "When a man is evicted, turn the farm into a *model farm*, a farm on which no living thing will grow." Again, Mr. Dillon, on the 17th October, 1880 said, "The Irish land belongs to the Irish people. It has been taken from them by fraud and force, and the men of Ireland are to-day determined to take back the land of their fathers." The turbulence and violence continued unchecked throughout the whole of the year 1880. The speeches\* and the meetings lashed the people into a perfect frenzy, and the language of ministers in Parliament excited hopes of universal plunder. The 13th of the rules adopted by the Land League in the Summer of 1880, was as follows:—

"Any member of a branch association getting or occupying a farm from which a member or non-

\* See Appendix.

member has been evicted, or who has surrendered his land from inability to pay rent, or *who was refused* a reduction of rent, such person should be expelled from such branch association, and should be looked upon and shunned as a traitor to the interests of his fellow tenant-farmers and to his country."

In accordance with this rule, at nearly every public meeting, resolutions were passed, in which those present "pledged themselves not to take a farm from which a tenant has been evicted for the non-payment of an unjust rent, and not to work upon such a farm, not to buy any farm stock or produce which may be sold for rent." These might have been mere idle resolutions if Government had not winked at the agitation and violence by which they were enforced. Very soon the infringement of them began to be followed by the burning of the offender's haggard or dwelling, the maiming of his cattle, or the shooting at or murder of himself, until a reign of terror made them in many counties almost universally obeyed.

*The trial of the members of the Land League.*—Messrs. Parnell, Dillon, Davitt, and others, were put on their trial for conspiracy in January, 1881, in Dublin. The Attorney-General for Ireland, in his address to the jury, summarised the doctrines as to "no rent," preached by the Land League, from May, 1880. He said, "There were two classes of precepts given with respect to the payment of rent.



One, the more general one, was as to the payment of all rents. The tenants were told, 'Don't pay the rent you have agreed to pay, but pay what you find convenient.' Sometimes they were told to pay Griffith's Valuation. The meaning of that is, don't pay what you undertook to pay, and what by law you are liable to pay, but offer the landlord a composition; if he does not choose to take that in full, and give you a clear receipt, put the money back into your pocket, you will want it yourself."

Extracts from the speeches of several of the leading traversers were given by the Attorney-General, proving his statement.\* Mr. Justice Fitzgerald, with the concurrence of Mr. Justice Barry, in laying down the law of conspiracy for the jury, used, among others, the words of Mr. Justice Wills: "A conspiracy consists in the agreeing by two or more to do an unlawful act, or to do a lawful act by unlawful means," and then declared the Land League an unlawful conspiracy, in words as plain as could be spoken. He said, "If a tenant withholds his rent, that is a violation of the right of the landlords to receive it; but it would not be a criminal act upon the part of the tenant, but a violation of the right; *but if two or more incited him to do that act it would be a conspiracy*. Again, his lordship quoted from a judgment of Baron Bramwell: "If two or more persons agree, by threats

\* See Appendix—Extracts of Speeches.

and intimidation, to effect a certain object—every word of this,” adds Mr. Justice Fitzgerald, “is applicable to the case before us—by threat, or intimidation, to deter or influence a third party in the way in which he employs his capital, his industry, and”—adds Mr. Justice Fitzgerald—“his land, they would be guilty of an indictable offence.” His lordship then clearly pointed out that it was even unnecessary for the conspirators ever to have met or entered into an agreement, if they had a common purpose; that proof of this was “a matter of inference, from certain criminal acts of the parties accused, done in pursuance of an apparent criminal purpose common between them. His lordship further added, “If I were obliged to come to a conclusion, I should say, upon the rules of the Land League, that it was not a legal confederacy.” Again, “I have expressed somewhat of an opinion—I do not mean to say a positive matter of direction or decision—that on the law and rules of the Land League alone, it was an illegal association.” But the Jury disagreed, only two being for a conviction, and the prisoners were all discharged, a result generally anticipated from the first. Meantime, the excitement of the trial enabled a fund of £13,830 to be collected for the defence. The only effect of the trial, was to confirm the doctrines of the League, to glorify its authors, and make the cause triumphant.

*The weakness of Government was ruinous, as in France. The Imprisonment of "suspects" was a mockery.*

Here was an illegal conspiracy, declared so by two of the ablest judges in Ireland, and yet the Government refused to leave the beaten track, and suppress it. Mr. John Bright still said, "Force is no remedy," and Mr. Chamberlain secretly thought, as afterwards appeared, that the organisation was useful, if not necessary, for the purpose of carrying the intended measures of confiscation. Others kept trumpeting that coercion was to them a "hateful incident."\* And so the League well knew that it had nothing to fear. It was not convenient to the political party in power to use the remedies by which alone such lawlessness can be repressed. The outward show of vigour was not wanting, but throughout nearly the entire of the year 1881 it had no reality. On the 21st of March, 1881, two bills received the Royal assent—one, "The Protection of Person and Property Act;"† the other, "The Peace Preservation Act."‡ The latter was for the prohibition of the carrying or having arms, and for giving power to search for arms, but it practically remained a dead letter. Not twenty stand of arms have been taken up, and no single prosecution has been sus-

\* See Appendix. Speeches of Ministers.

† 44 Vic., c. 4.

‡ 44 Vic., c. 5.

tained. The former gave very summary powers to arrest all persons "reasonably suspected," and to imprison them without trial; but it provided that when persons were so arrested, the Local Government Board might direct the Guardians of the Poor to afford relief in food and fuel to the families of the persons arrested. A fatal provision was also inserted in the Act which, with regard to a very large proportion of those arrested—the respectable "village tyrants"—rendered the Act nugatory as a terror, or a punishment; and as to very many—viz., the lowest and the worst classes,—made imprisonment under the Act, a positive advantage and encouragement. It provided that any person arrested should be treated "as a person accused of crime, and not as a convicted prisoner." Many of those arrested were accused upon very sufficient evidence, of being participators in murder, inciting to murder, shooting at, assembling in arms at night;\* but juries could not be trusted; and so by this mild restraint upon their liberty, they were freed from the fear of conviction, and from real punishment. A fund was at once started, called "The Political Prisoners' Sustentation Fund." Over £10,000 was collected by the end of the year, and was paid away to Miss Parnell, for their use, at the rate of

\* See list of Suspects arrested.

from £300 to £600 a week.\* The prisoners were allowed to supply themselves with meat and drink, and with beds and furniture for their cells, as they thought fit, and these funds were thus applied. The Prison rules were relaxed for their convenience. They had eight hours a day for recreation in a common board-room or the prison yard, with games and amusements of all kinds. The prison was converted into a Political Club. The prisoners received at the rate of £1 a week each from the Land League Fund or the Political Prisoners' Fund. Many of the humbler men lived on the very good prison fare, usually given to untried prisoners of the better class, and thus saved large sums of money. Many of them sent this money home every week, and thus supplied to others the strongest motive for crime.

All the terror and the suffering of imprisonment were taken away; and as Coercion was a "hateful incident," its apparent severity was made as pleasant and as profitable as possible to those arrested. The village ruffian was at once, without any loss or personal inconvenience, elevated into a patriot. All the glories of martyrdom were achieved by some of the worst classes, without any of the usual penalties of toil, or suffering, or danger. The observation made by a respectable farmer

\* By the 1st April, 1882, £21,344 had been collected. See Appendix.

to the Honourable King-Harman, tells the whole story,\*—"Why should I not be a Land Leaguer and wish to be arrested, I would then get £1 a week from the Land League, and my family would get another £1 a week from the Poor Law Guardians?" What a glorious prospect for every bankrupt farmer and village ruffian? He has only to burn a haggard, or fire into a dwelling, or shoot a tenant in the legs for paying his rent, and the patriot will be at once, under this new system of Executive Government, declared a "suspect," and elevated to the glorious martyrdom of receiving £2 a week, being well fed, and having eight hours in the day for recreation, with a fair amount of beer and porter. In order to keep up this pretence, and please the people in England, who have demanded that crime should be repressed, over 800 persons in all have been arrested under this Protection Act; but of these, probably, 750 or more are only luxuriating in the honour and advantage of their imprisonment. The other fifty have been saved from the terrible climax to which they had brought this agitation, when they could scarcely have proceeded further without being guilty of treason, and putting their lives in peril of the law, or of military government; and could not have receded with honour or, perhaps, even with safety, from their misguided dupes; the prison was to such but a secure shelter. These were

\* See his speech at Rotunda Meeting, January, 1882.

not the only advantages to be reaped from this friendly "coercion." Those who had harvests to be cut, or farms to be tilled, and wished it done free of expense; those who had public-houses, and whose custom was falling off; those who had shops, and found the business getting slack, had only to get themselves "reasonably suspected" of some agrarian outrage, or of circulating the No Rent Manifesto, and thus secure their own imprisonment for a little time: At once the harvest was cut, the ground tilled (five hundred ploughs attended on one day to till the farm of Mr. Parnell himself), and the farm produce made ready for market; the public-house of the suspect at once obtained the preference, or his shop was filled with customers.

During all the time of this so-called imprisonment, the criminals were freed from the peril of trial, and from all real punishment. Crime and outrage remained almost wholly unpunished under the ordinary law; and those who were much more than suspected received the manifold advantages of this mockery of coercion. No wonder that crimes and outrages increased. The Land League terrorism could not avail to prevent payment of rent without the aid of outrages. The contributions in Ireland and America could not be kept up without outrages. The glory of a profitable patriotism could not be achieved without outrages. The receipt of the £2 a week, while freed from all

labour and toil, and enjoying very many of the pleasures of a comfortable club, with gay companions, and no restriction upon drink, or cards, or drafts, or hand-ball, or such-like games\* could not be obtained without being reasonably suspected of outrages. Is it any wonder then that outrages increased? The law was stripped of all its terrors. Crime had nothing to fear, and everything to hope for. Punishment for crime nowhere existed. Punishment, and sometimes death, were reserved as the swift rewards of honesty or virtue. The man who was honest enough to pay his rent too often received at once the reward of having his haggard burned, or his legs shot through; while those suspected, beyond reasonable doubt, of having been guilty of the crime, received as punishment the comforts of this confinement, with the £2 a week. The consequences were natural. There sprang up in some localities an almost universal resistance to the payment of rent. It was a war against landlords, and against rent; and in this war the power and authority of the Land League was everywhere. The Queen's Government nowhere. The law of the Land League was enforced with a swift and terrible sanction. The law of the Queen's Government was, for the most part, a dead letter, and could nowhere enforce its sanction. What then was more natural than that rents should not be paid, and that outrages should

\* See Letter in *London Times*, March, 1882, and App. "Suspects."



increase. In 1880, without a Coercion Act, the agrarian outrages were 2,590. In 1881, when there were 500 men in gaol receiving the rewards of being suspected, the number was 4,439.

Attempts were frequently made in the House of Commons to delude the public, by speaking of these "suspects" as being all political prisoners, and complaining of their harsh treatment, whereas they are all accused of being either participators in crime, or of inciting others to crime, including the crime of intimidating tenants from paying rent. \* The grounds of each arrest are regularly published in the *Gazette*. A few instances, taken at random, will suffice.

Nos. 1 (each case is numbered), 17, 434, 435, &c., are "reasonably suspected as principals of inciting to murder, committed in a prescribed district."

Nos. 22, 217, 218, 412, 419, of shooting at with intent to murder.

Nos. 34, 35, 41, 42, 43, 53, 54, 55, 219, of murder.

Nos. 2, 4, 6, &c., of "shooting at."

Nos. 3, 9, &c., of shooting at and wounding.

Several numbers of "arson."

Nos. 15, 23, 50, 88, 290, "assembling by night in arms, assaulting dwelling-houses, and assaulting and beating persons therein."

Nos. 121, 122, 123, of "Treasonable Practices."

\* See Appendix. List of Suspects.

Nos. 4, 6, &c., "intimidating bailiffs."

Nos. 10, 71, &c., riot and assaulting constables.

Nos. 14, &c., "intimidating for taking farms."

Nos. 89, 124, 125, 126, 134, 139, 232, &c., &c., of intimidating from paying rent.

These are the classes of crimes, a suspicion of which, instead of subjecting the suspected persons to trial and to real punishment, if guilty, only secures for them the glory and honour and profit of this Hibernian Patriotism.

These are the persons accused as criminals, for whom an organised conspiracy is permitted from day to day to make appeals for money through the public press that they may receive the encouragement and support of weekly payments made through the prison authorities. For these the name of England is blackened all over the world, as if she were tyrannising over men, and immuring them in dark dungeons, merely for their political opinions. For these the sympathies of every nation are enlisted, through Parliament and the press, as if they were suffering patriots, instead of the pampered instigators of the meanest and most cowardly of villainous frauds and crimes. Here is lawlessness supported and fed by money contributions of an enormous amount collected in Ireland and America—a selfish, grasping, lawlessness utilised for the aggrandizement and glorification of its revolutionary leaders—its very crimes committed with a view to keep up the contributions. A state

of society has been thus brought about, such as described by Alison to have been the chief cause of the French Revolution of 1789-92—"a selfish thirst for criminal advancement in one class of the people, and a base disinclination to resistance in the other."

The state of Ireland in 1879 and 1880 was not unlike the state of France in 1788. M. de Tocqueville says of that period—"No sign that I can discover from this distance of time announced that the rural population was at all agitated. The peasant plodded onward on his wonted track. The vast section of the nation was still neutral, and as it were, unseen." But the revolutionary teachers were at work as they have been in Ireland, trading upon the agricultural distress; and so he adds, "In some provinces the inhabitants of the country are persuaded that they are to pay no more taxes (there was a heavy tax to the State upon the lands), and that they will share among them the property of the landlords." The recent work of M. Tain gives a report of a Chief of a department made in April, 1788, showing that the doctrines of Parnell, Dillon, and Davitt are the same as those preached in France at that time; he says, "In many places it has been proclaimed that this is a sort of war declared against land-owners and property; in the towns, as well as in the country, the people declare that they will pay nothing—no taxes, no dues, no debts."\*

\* *Edinburgh Review*, No. 317, p. 15.

The power and influence of these revolutionists over the great mass of respectable farmers and people at first was small, but their perfect immunity from punishment, the enormous funds which they soon began to realize, and the use they made of them to get up meetings, and spread terror and alarm, together with the terrible incentive of the hope of a gigantic plunder from the property of the landlords, soon made the power of their leaders absolute over the great body of the agricultural population, and of the needy masses. M. Tain describes the success of the small knot of adventurers, who, by the same means, completely overturned society in France, and deluged it with blood in 1789-1792, and points out the causes. He says, "This aggressive knot of unscrupulous adventurers, and greedy vagabonds, imposed its domination on the sheep-like majority, which, accustomed to the regularity of an old civilization, dared not trouble order to put down disorder, and feared to rise against insurrection. . . . *Everywhere their tactics were the same—to claim a monopoly of patriotism, until, by the brutal destruction of all other societies, they became the sole apparent organ of public opinion.*"\*

The weakness and vacillation of Government permitted a similar kind of unscrupulous adventurers to grow up into a power which soon threatened to overthrow all Executive Government in Ireland. Their next act was to call an Irish Convention in Dublin.

\* Tain's "French Revolution," p. 179.

*The Irish Convention*, 1881.—The Irish Convention Act (33 Geo. III., c. 29) prevented in Ireland the election or appointment of unlawful assemblies of persons, "purporting to represent the people," or of the people of any county or district, under the pretence of preparing addresses or "procuring an alteration in the laws." This Act was repealed in 1879 by the 42, 43 Vict., c. 28. The safeguard which had existed in Ireland from 1793, having been thus removed, the organisers of sedition and disloyalty, encouraged by the concessions and vacillation alluded to, called a Convention in Dublin for the 15th September, 1881. It was called openly and avowedly by the Land League, which, nine months before, had been described as an illegal and most dangerous conspiracy. The meeting was attended by 1700 delegates, representing every county in Ireland, and they included in their number some twenty or thirty Irish Members of Parliament. The character of this meeting and of its abettors in America was shewn at the very outset by the telegrams from the Societies in America. One professed to come from the United States organisation with 1000 branches, urging to a "renewed effort, ending in *the ownership of the land by the tillers, and the government of the people by themselves*," . . . . . "the conspiracy of the few to own all fails, when the many rush forward for Irish lands, goods, and government." Telegrams came from many States in America all to the

same effect. From Pennsylvania, "No rent, no compromise . . . the land belongs to the people ;" from Massachusetts, "The land for the people, hold the harvest, no rents ;" from New Jersey, "Hold the harvest, the land for the people ; if you submit to Gladstone's sham, subscriptions will cease ;" from Indiana, "No rents, no surrender, down with landlordism now and for ever ;" from Alleghanny, "Yield one step, and subscriptions cease."\* These sentiments were all received with applause by the Land League Members of Parliament and the other 1700 delegates, and expressed their aims and objects. Mr. Parnell, M.P., who presided, announced at once that the "first step towards self-government was the abolition of landlordism," and "the tenant-farmers were invited to assist in that object." He added, further, "*Our principles also demand that rent should be abolished.*"

"No rent" proposals justified by Mr. John Bright. —Startling as it may seem, this proposal was justified at that great and representative meeting by Mr. Parnell, from the unfounded assertions and wild theories previously put forward by Mr. John Bright himself. Without a shadow of ground for the assertion (except perhaps in a few isolated instances), Mr. Bright had drawn upon his imagination for what might suit his argument, and asserted in the House of Commons during the

\* See *London Times Report*, September 16th, 1881.

passing of the Land Act, that " nine-tenths of all that is to be seen upon the farming land in Ireland, of houses, farms, fences, and whatever you call cultivation, and bringing land from the wilderness— nine-tenths of it has been put there by the labour of the tenantry of Ireland, and not at the expense of the landlords." This was alluded to, and relied on, by Mr. Parnell at the meeting, although there was no foundation for the statement. Except in some parts of Ulster, where the tenants were always secured and compensated by tenant-right, nine-tenths of the lands in Ireland, as already shewn,\* before they came into the hands of the present tenants or their most remote predecessors, were rich pasture lands of great fertility; and three-fourths of these lands have been reduced by the bad cultivation of the tenants to less than one-half their original value. They have been cut up by crooked and useless fences into minute subdivisions† which render a proper course of husbandry impossible, and have been incumbered by mud cabins of no permanent value whatever.‡ But the authority of so great a statesman, and so responsible a Minister of the Crown, as Mr. Bright, is of course enough to encourage and to justify the socialism of the Convention; and so Mr. Parnell adds, "*It will be our duty to struggle until the Legislature of Great Britain has sanctioned the re-*

\* See *ante*, pp. 216, 223. † See *ante*, p. 227.

‡ See *ante*, p. 130.

*storation of this nine-tenths of the valuable improvements, of which Mr. John Bright spoke in this speech, to the tenant."*

He then proceeds to draw the logical conclusion as to a fair rent, that it is "the original value of the land before it was improved," such as "would enable the farmer to feed and clothe himself . . . and his children,\* and educate them . . . and pay his debts . . . and after all that had been done, would enable him to give a fair rent to his landlord, which, instead of amounting, as the present rental of Ireland does, to something like seventeen millions per annum, would, on my definition of fair rent, amount to something like two or three millions a-year." This demand for a reduction of the rental to two millions a-year, was afterwards repeated by other speakers.

Here is a distinct demand that the landlords shall be robbed of fourteen or fifteen millions a-year of their rental, equivalent to a capital of 300 millions, and the demand is based upon the unfounded assertion of a Cabinet Minister. Mr. Parnell was shrewd enough to see that if the landlords were to be robbed of 300 millions, the tenants alone could not expect to obtain the entire plunder, and be very long left in possession of it. He knew enough of the history of nations to see that when the floodgates of socialism were let

\* See similar statement by Mr. Justice O'Hagan as to fair rent, Appendix.



loose, the deeper corruption of this selfish greed among the peasant electors now in power would not long be tolerated, and so he suggests in a delicate way that the farmers should employ the labourers and keep them quiet. The difficulty with him and all the Parliamentary leaders is, that they are now depending upon the votes of the farmers, whereas, the labourers have no votes. The demands of socialism would require that the plunder should be more evenly divided, and Mr. Parnell, with judicious foresight, expects to save himself from the danger of resisting such a demand, he adds, "If the farmers do not give the labourers fair play . . . . . I pledge myself to take my stand at the head of the labourers' movement."

These principles were accepted by the meeting. Other speakers asserted them with more violence. Mr. Lewis Smith, from Antrim, said, "Landlordism was a foul thing, begotten in *conquest* and in the blood of their forefathers." By landlordism is clearly meant the Protestant landlords that came in with the English settlement. He added, "Mr. Bright said no man was bound to adhere to unjust laws." Mr. Duddy, of Belfast, said, "*If the Court refused to reduce the present rent at least one half, then* they should instantly summon another Convention." The Rev. Mr. O'Leary, Cork, said, "They would not rest satisfied until they got a Land Bill that would abolish landlordism."

Rev. Mr. Cantwell, Thurles, "*The Land League had struck down, and would ultimately destroy landlordism in this country, and with it British Rule.*"

The Rev. Mr. Ronane, Queen's Co., "wished to say plainly, that the total extirpation of landlordism, and the planting of the people in their own soil . . . . . was nothing more than a restitution of stolen property . . . . . *the promises of Gladstone and Bright before they came into power . . . . led them to look forward to a bill, which would be in accordance with Irish ideas.*" All this sedition and preaching of revolution was tolerated, from day to day, as part of the continual work of an organised society, which had, nine months before, been declared illegal by Mr. Justice Fitzgerald.\*

*A series of Resolutions was adopted at the Convention, the substance of which is as follows:—*

No. 2 affirmed—The right of National self-government, which they would never cease to struggle for.

3. Condemned the Coercion Act as "devised in a spirit of malignant hypocrisy, and executed in gratification of private vindictiveness, and in a tyrannical suppression of admitted public rights."

4. Affirmed—"That no settlement of the Land Question can be satisfactory, which does not abolish landlordism root and branch, and make the tiller also the owner of the soil; that the Land Bill cannot be regarded as even a temporary

\* See *ante*, p. 333.

remedy of a satisfactory character," and pledges the meeting to "maintain the same solid combination against landlordism, which has worked such magnificent results in the last two years."

5. Provided for the selection of test cases upon the Land Act for trial. It was then suggested that the Land Act should not be accepted at all; but after long discussion the proposal was amended by adding the statement, "provided that none of the money subscribed by our countrymen abroad shall be used for the payment of the costs of these test cases," and it was then adopted.

6. Affirmed—"That the principles of the Land League require not the fixing of rent, but its abolition," and warned the tenants against any engagement to pay rent for longer than a yearly tenancy.

7. Called upon the farmers to make use of the Act for the building of labourers' dwellings.

8. Recommended each farmer to set aside land for the use of the labourers employed, giving half an acre for each twenty-five acres of tilled land.

9. Declared that County Boards should be required to obtain land by compulsory purchase for the benefit of labourers.

There were other resolutions for encouraging home manufactures.\*

Even at that meeting the downward progress of revolutionary principles might be gathered from

\* See Appendix.

the speech of Mr. Redpath. Then, as ever, at the Convention, the most violent were driving their leaders onward, and shewed themselves ready to trample under foot their foremost and most trusted chiefs, when once they halted in the onward march to anarchy and plunder. He said, "Five years ago the name of Mr. John Bright was treated in America with an amount of respect second only to that of Washington; but now it was hissed; and if his heart was cremated, he would not honour it by spitting on it." This was the honour accorded to Mr. Bright, on whose words Mr. Parnell relied, in return for his concessions and for the Act of 1881; and this took place before any mention of an attempt to suppress the Land League or arrest its leaders.

Spoliation is thus the image and superscription which Government have impressed upon the measures issued from their Mint. They have begun by a limited issue, for the benefit of one class alone; but soon the coin will become current in the realm, and a larger class—the labourers and the landless—will bring that coin to Parliament, and dare them to repudiate what bears their own stamp. A fresh and larger issue may then be demanded, and if granted, the rapid road to bankruptcy and anarchy will have been entered on.

On the 25th September, 1881, a torchlight procession in the City of Dublin was organised, to emphasise and enforce the principles announced

at the Convention. 20,000 men, with twenty bands, were permitted to assemble in the heart of the city at seven o'clock at night, and to march quite through it to meet Mr. Parnell at eight o'clock, the greater part of them carrying lighted torches. In order to impose terror, they presented themselves ready at the bidding of any incendiary leader to commit the city to flames. They then marched back again through the principal streets, still bearing these torches, and heard speeches of the usual type from Mr. Parnell and Mr. Sexton. The former told, in plain words, the return that England had to expect for six months of the time of Parliament, and of Government having been spent in passing this Act, even though it transferred to the followers of Mr. Parnell property of their landlords that may amount to two or three millions a-year. He said, "The Government has endeavoured to degrade and insult Ireland in the face of the world. It would not have been possible for any civilised government to act as this Government has acted towards Ireland during the last six months."

*The policy of Government was similar to that which led to the French Revolution.*—The course pursued by Mr. Gladstone and his party, beginning with the motto that "Force is no Remedy," was even then bearing its bitter fruit. In order to appease imaginary grievances, the settled principles of

political economy were set aside; the sacredness of contract was violated; the security of property, which is the foundation of all civil society, was trampled on; interests in property, to the value of millions, were transferred from the landlords to the tenants. The most loyal and law-abiding class in the country were made the victims of this policy. It was their property, and not the property of the State, that was taken to buy off these demands of Communism and Socialism; and finally, all this was done under the colour and pretence of redressing grievances, of relieving the tenant-class, of establishing for them liberty and freedom from oppression; of promoting their industry, enterprise and prosperity. These gifts were to be, according to the authors of this policy, a "message of peace," a glorious emancipation, which would bind the hearts of the whole Irish People in bonds of gratitude to England. Has it been so? On the contrary, the causes and the results, as far as they have gone, so entirely resemble the first stages of the French Revolution in 1789, that it is to be feared we have as yet seen only the first opening blossoms of a dreadful vintage of violence, anarchy, and misery which has already begun.

The observations of the French author, Segur, writing of the period immediately before the outbreak, are so applicable to these affairs that they cannot be passed over. He says: "Who could have anticipated the terrible flood of passions and

crimes, which was about to be let loose upon the world, at a time when all writings, all thoughts, all actions seemed to have but one end, the extirpation of abuses, the propagation of virtue, *the relief of the people, the establishment of freedom*. It is thus that the most terrible convulsions are ushered into the world; the night is serene, the sunset fair, which precedes the fury of the tornado."

"Everything" (says Alison) "at this period indicated that restless desire for change, and those sanguine anticipations of indefinite extension in human powers and felicity, which are too often the precursor of the most dreadful calamities." And again, his solemn warning seems as if written for the state of affairs existing in Ireland for the last twelve months.

He says: "When Government deems it prudent not to prosecute, or does not venture to bring to justice, the leaders of popular violence, how great soever their crimes, . . . . when it becomes evident that the only persons who are secure of impunity in a collision between them and the people, are the perpetrators of revolutionary crimes; it may be concluded with certainty that unbounded national calamities are at hand."

Is not this an accurate description of the state of affairs in Ireland? The hundreds of persons in prison suspected of murders and attempts to murder, incendiarisms and assaults, are not brought to trial. "Government does *not deem it prudent to*

*prosecute,"* and ninety-five per cent. of the 7,788 outrages of all kinds committed in the year 1881, have remained unpunished.\*

*Subsequent events.—No Rent Manifesto.* This was issued and declared a consequence of the teaching of Government.—The utterly demoralising effect of the introduction, as well as the subsequent passing of the Act of 1881, and of this general immunity from any punishment for offences, under the feeble action of Government,† has been further shewn from week to week and from day to day, by the turbulent meetings of tenants all over Ireland, and the still more violent speeches, the threats, the denunciation of landlords, the addresses and resolutions of the Land League, the outrages, the murders, the incendiarisms, the perfect reign of terror, the crushing out of the liberty of every well-disposed man; and in many cases the punishment of the payment of rent by the murder of the tenant who paid.‡

Mr. Parnell was at last arrested on the 13th day

\* See Appendix, Crime and Outrage.

† See *Ante* p. 334.

‡ The number of agrarian outrages in July 1881 was (271), in August (373). The Land Act passed on 22nd August, 1881. The agrarian outrages at once increased to 511 in October, 534 in November, 574 in December, and 479 in January, 1882, including in those of the last month 11 murders and shootings at, with intent to murder; 30 incendiary fires; 21 attacks on dwellings, and 94 threatening letters.



of October, 1881, and on the 14th October, a feeble Proclamation was issued, stating the course of intimidation pursued by the Land League to compel persons "to give up their lawful employments—to abandon their lawful pursuits—to abstain from the payment of rents lawfully due by them, or the fulfilment of their lawful engagements—to become members of or subscribe to the funds of an Association commonly known as the Land League,—to abstain from doing what they have a legal right to do or to do what they have a legal right to abstain from doing—and warning all persons that such practices are unlawful and criminal."

This was immediately replied to by the Land League by the issue of their "No Rent Manifesto," on the 18th of October.

This document spoke of the Land Act of 1881 as "a mere paltry mitigation of the horrors of landlordism, in order to fasten it more securely on the necks of the people," and spoke of the League as "the magnificent organization which was crushing landlordism out of existence . . . . the power which had reduced landlordism to almost its last gasp." . . . . It "advises the tenant-farmers of Ireland from henceforth to pay NO RENTS under any circumstances to their landlords, until Government relinquishes the existing system of terrorism, and restores the constitutional rights of the people. Do not be daunted by the removal of your leaders, *your fathers abolished tithing by the same method without any leaders at all* . . . . Do not suffer yourselves to be intimidated by threats of military violence . . . . The funds will be poured out unstintedly for the support of all who may endure eviction in the course of the struggle . . . . Choose between the land for the landlords, and the land for the people . . . . Pay no rent under any pretext."

This manifesto was signed, C. S. Parnell, (President), Kilmainham Gaol; A. J. Kettle, (Hon. Sec.), Kilmainham Gaol; Michael Davitt, (Hon. Sec.), Portland Prison; Thomas Brennan, (Hon. Sec.), Kilmainham Gaol; John Dillon, Head Organiser, Kilmainham Gaol; Thomas Sexton, Kilmainham Gaol; Patrick Egan, Treasurer, Paris. It was adopted at a meeting of the Land League in Dublin on the 19th, with the Roman Catholic Archdeacon Cantwell (Thurles) in the chair, and twelve other priests present.\* The Chairman said: "The priests of Ireland are not in prison, and the priests of Ireland, while one remains, will be ever found with the down-trodden and oppressed people."

Several meetings of the branches of the Land League were at once held throughout Ireland, at each of which numbers of priests attended, and this manifesto was formally adopted, and resolutions passed sympathising with the imprisoned leaders, breathing a haughty defiance to Government, and agreeing to act upon the principles of the manifesto.

At last, upon the 20th October, 1881, a Proclamation was issued by the Lord Lieutenant, declaring that the Land League "is an unlawful and criminal association, and that all meetings and assemblies to carry out or promote its designs or purposes are alike unlawful and criminal, and will be prevented, and if necessary dispersed by force."

\* See Appendix, No Rent Manifesto.

The manner in which the principles of this "No Rent Manifesto" were justified, in anticipation, affords convincing proof that the whole course pursued by Government in reference to the movement, was taken by the followers of the League, as not only an admission, but a recognition, and partial adoption of their principles. A few days before its issue, Mr. Parnell, speaking at Wexford on the 10th October, in answer to Mr. Gladstone's speech at Leeds, accusing him of plunder, said, "The doctrine of public plunder is a question of degree—and Mr. Gladstone before long, if he lived long enough, would introduce a Bill into the House of Commons to extend this *very principle of public plunder which he has sanctioned by the Act of 1881*. There are some persons very much better entitled to call him a little robber than to call me a big one." Again, in a letter to the *London Times*, written by Mr. Hugh Frank O'Donnell, M.P. for Dungarvan, on Nov. 21, 1881, he justifies that manifesto as naturally springing out of the Government proposals upon the Land Question, and points to the course then being pursued by their own Solicitor-General, in seeking a seat for the County of Londonderry, upon the merit of the Sub-Commissioners having reduced the farmers' rents; in fact, that the demoralisation had gone so far and descended so low, that this Government officer was seeking election to Parliament by the aid of the promises held out by his

agents of similar reductions of voters' rents by 40, 50, or 60 per cent. out of the pockets of their landlords. Mr. O'Donnell then said, "The 'No Rent Manifesto' is purely an adaptation of a liberal proposal. It is the revival, in the autumn of 1881, of the main principle of the Bill intended by Her Majesty's present Government to have come into operation in the autumn of 1880. *It is the popular version of the 'Disturbance Bill'\** which was supported by the Liberal majority of the House of Commons, and rejected by the Conservative majority of the House of Lords, and which proposed to forbid, under severe pecuniary penalties, the exaction of all rents due to landlords throughout the whole extent of those Irish districts scheduled as 'Distressed Districts.'" Again, referring to the manifesto having been called the "black flag," by the Chief Secretary, he adds, "Mr. Parnell only took that 'banner proud' from the hand of an infallible Cabinet." Again, "Mr. Porter has placarded the County Derry with the tempting list of rents reduced 40, 50, 60 per cent.;" and he quotes from the placard the words "if they want an honest administration of the Land Act—Vote for Porter."

Thus the whole property of the landlords of that county is seized with violence by a member of the Government, and set up to auction among the electors. The Solicitor-General announces himself apparently as already in possession of the

\* See Bill in Appendix.

property so plundered, and willing to barter it away for the votes of the constituency. Like the president of a committee of the Commune of Paris in 1792, he proposes to pay his supporters liberally, as they did, out of the confiscated properties of the murdered Noblesse. This is the destructive and dangerous principle of the Act brought into active operation; its veiled communism sanctioned, avowed, and acted on. Can such principles ever be kept within the bounds of moderation? New competitors for popularity necessarily arise, who offer something more splendidly popular. "Moderation is stigmatised as the virtue of cowards, and concession as the prudence of traitors." The ever-increasing appetite for plunder must be appeased. Those who once enter on the perilous path of sustaining their power by ministering to the rapacity of the many out of property plundered from the few, must go on and on. Each leader in turn, as he reaches the limit of his own excesses, at once goes down before some bolder spirit, who is ready to carry confiscation further, and keep the fund for distribution still increasing.

When legislation of this kind, interfering with the rights of property, was sought for by political agitators many years ago, its demoralising tendency, and its danger to society, were pointed out by many. Judge Longfield, writing of it in 1870, said, "The tenants hope by agitation and outrage to acquire more than they at present possess . . .

They are taught to believe that it is *in their power to acquire the absolute ownership of the land* which they have *hired* for a limited period . . . . They are almost led to believe that *murder may be justified when it is committed from motives of avarice or revenge.*" \*

What Judge Longfield in 1870 looked upon as impossible, is in 1881 an accomplished fact. By "agitation and outrage" the tenants have acquired at least a large share of the ownership of the land. Instead of their saying now merely that agrarian murders are justified by revenge, they are taught to look upon them as meritorious actions, done in defence of their own property, or property which a blind and demoralising legislation has taught them to look upon as their own.

*More plunder.*—"The Land Question only commenced."—The leaseholders and others have yet to be satisfied.—Dr. Nulty, the Roman Catholic Bishop of Meath, in a letter of the 8th December, 1881, to Mr. J. Cowen, the Member for Newcastle, covering five columns of a newspaper, expresses the views of the Land Act entertained by most of the Roman Catholic Bishops and Clergy. He says, "The settlement of the Irish Land Question has only commenced with the passing of the Land Act. It is still before Parliament. In another year or two it will be in full swing in England

\* Land Tenures, p. 7.

and Scotland as well as here." Again, alluding to Mr. Parnell's audacious suggestion that the rental of Ireland should be reduced from seventeen millions to three million sterling, he says, "If Mr. Parnell was mistaken in fixing the amount of reduction at a figure that was too high, Mr. Gladstone was much more mistaken in fixing it at a figure far too low. At the lowest estimate that can be fairly made of it, it cannot be set down at less than several millions annually. Why should we not take it? Is it not the hard-earned fruit of our toil and labour? Is it not the result of sacrifices we made in the great political struggle of the last two years? Two years ago the tenant farmers of Ireland had only the haziest ideas of their constitutional rights. *They are now practically as well as theoretically convinced*—that by combining all their energies and efforts into one great common movement—*they can become a power that is almost irresistible*. This Bill being thus the hard-earned fruit of our own labour and toil, why should we not appropriate the gain as well as the glory of having passed it?"

These well considered and deliberately written words of the Roman Catholic Bishop were put forward, on the 8th December, 1881, at the very time when Government might have hoped to see, at least, some of the expected benefits of their moderation and concessions—at a time when the anarchy of the Land League was threatening

with destruction all law, and order, and civilised society itself in Ireland—and when any Government, no matter what its antecedents, might have reasonably looked for help, first and above all from the hierarchy of that Church. The whole of the vast concessions made, which, as to rents, the bishop himself estimates at “several millions annually,” and as to other rights of property have been estimated at 100 millions,\* instead of being referred to by the bishop as a ground for gratitude and peace, are deliberately put forward as incitements to further plunder. He says, “The settlement of the Land Question has only commenced—Why should we not take it?” “This property worth so many millions given by the Act of 1881—is it not the result of *the sacrifices we have made in this great political struggle of the last two years?*” This is in reality a war against all property, and in that struggle the bishop deliberately makes himself a leader of the people in their attacks against it, and announces to them that “they are *now practically* (that is by the attainment of so many millions) as well as theoretically convinced, that *they can become a power that is almost irresistible.*”

Only two days before the writing of this letter, the fearful state of a large part of this country was described by Mr. Justice Fitzgerald (December 6,

\* *Ante*, p. 174.



... judge says, "The future of society is threatened to be insecure, or is as to be worthless. Right is unsafe, and a spirit of lawless order, marked by an insolent authority, continues to prevail. Industrial enterprise; no employment classes. Trade does not flourish." Chief Justice Morris, at said, "If the present lawless society would become chaotic, as of a thousand years ago."

A further course of action was the suppressed!! Land League the principles of the "No Rent" printed, with the signature of the Treasurer of the League, who, treat in Paris, circulated the thousand. In several counties west. every law

## TO THE PEOPLE OF IRELAND.

The Government of England has declared war against the Irish people. The organisation that protected them against the ravages of landlordism has been declared "unlawful and criminal." A reign of terror has commenced. Meet the action of the English Government with a determined passive resistance. The No Rent Banner has been raised, and it remains with the people now to prove themselves dastards or men.

### PAY NO RENT.

### AVOID THE LAND COURT.

Such is the programme now before the country. Adopt it, and it will lead you to free land and happy homes. Reject it, and slavery and degradation will be your portion.

### PAY NO RENT.

The person who does should be visited with the severest sentence of social ostracism.

### AVOID THE LAND COURT.

Cast out the person who enters it as a renegade to his country and to the cause of his fellow men.

### HOLD THE HARVEST

is the watchword. To do that effectually you should, as far as possible, turn it into money. Sell your stock, when such a course will not entail a loss. Make a friendly arrangement with your creditors about your interests in your farms. A short and sharp struggle now, and the vilest oppression that ever afflicted humanity will be wiped away.

### NO RENT.

Your brethren in America have risen to the crisis, and are willing to supply you with unlimited funds, provided you maintain your attitude of passive resistance and

### PAY NO RENT.

"The land, therefore, of any country is the common property of the people of that country, because its real owner, the Creator, who made it, has transferred it as a voluntary gift to them."—Dr. NULTY, Bishop of Meath.

### PAY NO RENT.

BY ORDER,

PATRICK EGAN, Treasurer.

In some places houses and haggards were burned; in others men and women were shot in legs; in others, shots were fired into dwelling-houses, in most cases to inflict punishment for the breach of this Land League order—to “pay no rent.” For every description of diabolical crime against the law there was perfect immunity from punishment, but for the offence of paying rent there was none.

This result of the mistaken policy of the Government thus announced in the beginning by Bishop Nulty, may perhaps be brought home with greater force to the minds of statesmen by a short reference to the comment of the historian Dumont, made long after the events, upon the result of like concessions, which will be presently more fully alluded to—the concessions of a part of the property of the Church, and of the *noblesse of France*, made in August, 1789, before the great confiscations and slaughter commenced. He says, “These concessions so far from putting, as was expected, a stop to the robbery and violence that was going on, served only to *make the people acquainted with their own strength* [the very words of Bishop Nulty] and to inspire them with a conviction, that all their outrages against the nobility would pass with impunity. Nothing done through fear succeeds in its object. Those whom you hope to disarm by concessions, *are only led by them to still bolder attempts and more extravagant demands.*”

And so says Bishop Nulty, "the Land Question has only commenced." This is the hope that now agitates the breast of every Irish farmer. This is the fear that now dominates the mind of every Irish landlord who thinks upon the subject,—the fear least the same folly and weakness of English statesmanship which, in two short years, have led to commencements so similar to the commencement of the French Revolution, may quickly lead to the sacrifice of the lives and properties of every Irish landlord, lest the object of the League be accomplished by "Landlordism being abolished."

The fresh attacks upon landed property have been already commenced. The concessions have not brought even one moment's interval of repose. The very murders, and maimings, and incendiaryisms, so greatly increased since the Act, are attributed to the insufficiency of the plunder obtained. The article already referred to from the *Freeman's Journal*, the accredited organ, not of the extreme revolutionists, but of the priesthood and whole Radical Party in Ireland, said "the Land Act accounts for all the crime complained of."

"Nothing could more exasperate and intensify individual discontent, and therefore increase the temptation to individual crime, than that individuals should find themselves shut out from the advantages conferred by an Act of this kind upon their neighbours. This is what the Land Act (1881) has done, only that the individuals are to

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to unjust demands. Such is the effect of the gift of the Glebe-lands to the occupiers by the Act of 1869,\* the compensation for disturbance given by the Land Act of 1870;† the gift again to the occupiers by means of sales and Government loans as contained in that Act and in the Landed Estates Act.‡ In all these cases the words of the *Freeman's* article are applicable and quite true, "that nothing could more exasperate and intensify individual discontent than that individuals should find themselves shut out from advantages conferred by an Act of this kind upon their neighbours." But they contain a solemn warning, that what is true of past concessions will be equally true of every future concession—what is true now of the excluded classes, which are nearest to the included classes, will, if they should be by another Act included, be then equally true of the class next in succession. Once the principle is acted on, the circle of infection tainted with the poison of plunder must widen and deepen, till the whole community is absorbed. When the occupiers of Glebe-lands and lands sold in the Landed Estates Court were made owners of their farms upon terms which amounted to a gift, the occupiers of all other lands naturally felt that "individual discontent;" and the more the principle is extended, the more numerous will be the discontented who

\* *Ante*, p. 140.

† *Ante*, p. 146.

‡ *Ante*, p. 142.

are excluded. Much of the present turbulence and violence is to be attributed to that cause. A new and hitherto unheard-of source of plunder, by the wholesale reduction of rents upon tenancies from year to year, has been opened up by the Act of 1881. But now the leaseholders are shut out, and feel the "individual discontent." The tenants of "Town Parks," and "Demesnes," and "Grazing Farms," and "Con-acre Tenants," are also shut out, and feel the same "individual discontent." All these enormous benefits have been heretofore bestowed upon the occupiers of "Agricultural Holdings." They alone have heretofore had the exclusive privilege of plunder. How long can these other classes be excluded according to the doctrines of Bishop Nulty? What distinction can be drawn in reason, between the occupiers of a farm and the occupiers of a house?—especially of houses kept by manufacturers for their labourers. Then as the principle progresses there still remains clearly looming in the distance, the whole mass of landless labourers. How long will they submit to be oppressed and trampled on by the whole body of farmers who have been enriching themselves with the plunder of their landlords? How quickly may they learn, if matters are still allowed to drift, the doctrine preached by Bishop Nulty, that they, too, may become "a power that is almost irresistible." Then will come the turn of

the workers in mills, and factories, and shops, and warehouses, and the great mass of the idle and unemployed that haunt the purlieus of every town and city, until discontent, dishonesty, turbulence, and anarchy, reign triumphant.

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## PART III. CHAPTER II.

### THE LAND ACT OF 1881, DESTRUCTIVE OF THE SECURITY OF PROPERTY, AND UNJUST.

SEC. 1. *The Security of Property destroyed by the Act of 1881*, p. 372 to 386.

The Act establishes the principle of insecurity, p. 372.—Opinions—The extent of the corruption, p. 378.—The purchasers under the Incumbered Estates Act, p. 381.—Lord Dufferin's testimony, p. 383.—The teaching of the events of the French Revolution, p. 385.

SEC. 2. *The injustice and evil tendency of the Act*, p. 388 to 405.

I. It is economically unjust—(a) to the landlord, p. 385; (b) to the small farmers and labourers as a body, p. 394; and (c) to the rest of the community, p. 399. II. It will increase the number of evictions, p. 400. III. It is socially demoralizing, p. 401. IV. It is likely to produce political disorganization, p. 403.

SEC. 3. *Disaffection and Disloyalty likely to be produced by Fixity of Tenure*, p. 405 to 419.

A middle class cannot be created by Act of Parliament, p. 407.—The Act will destroy a loyal middle class already existing, p. 409.—National independence is the object.—The Chicago Convention, p. 411.—As in the French Revolution, the beginnings may be small, p. 417.

*The Act establishes the principle of insecurity.*

UNDER the hypocritical pretence of affording security for the property of the tenant, the property of the landlord has been swept away.

The tenant was entitled to the fullest compensation for his own unexhausted improvements, and by the Act of 1870 this was amply secured to him.\* The Act of 1881, instead of securing property, sanctioned the principle that no property in land is secure from the rapacity of a powerful, self-interested organisation intent on plunder. By the settled law existing for centuries, a mere possession of land for forty or twenty years, without acknowledging title in another, gave the occupier a title against all the world, although he might not have had any title originally. The wisdom of statesmen and jurists, Chancellors and lawyers, whose ripe experiences have been gathered from a life-time spent in settling disputes about property, and investigating titles, had come to the conclusion, that, for the security of property, the encouragement of industry, prevention of litigation, and the ending disputes, such rules as prevailed under the "Statutes of Limitations" were sound and wise; even so late as 1879, a Statute† came into force shortening the period to a term of twelve years. But this revolutionary Act lays hold of property which has been in the undisputed possession of the owner and his ancestors for centuries, and practically hands it over to the tenants, reserving to the owner merely a statutable rent-

\* See Tenants' privileges in 1879, Appendix.

† 37, 38 Vic., c. 57

charge.\* What property then is safe? The ownership of the property has been substantially taken away. Has the rent contracted for by the tenant been left? No. The contract has been annulled, and the rent has been left to the dictation of an ill-informed *rambling* Commission, invested with a power unequalled by that of the Autocrat of Russia, and more resembling the absolute and unquestioned power of the Chief of a savage tribe over the property of his prostrate subjects. The property in the rent which may remain, is as little secured as the property in the land. The Statute which has confiscated the property of the landlord for the benefit of the tenant, tells him in language more forcible than any words can express, that as the property of the landlord, which his family has possessed for centuries, is confiscated to-day for the benefit of these tenants; so all the rights bestowed upon the tenants to-day, may, and probably will, in a few years be taken from them, and parcelled out among the labourers or the landless, as soon as their numbers can be organised and reckless leaders obtained. At this moment, tenants, though pressed to do so, refuse to purchase their landlords' interest with Government money, because the title has been blasted by this

\* See *ante*, p. 158, *et seq.*

confiscating Act, and the tenants justly fear that the title so purchased would be the next to be confiscated. Neither is the hope absent that it may be obtained by plunder instead of purchase. Legislation such as this tells the indigent and reckless of every class, that by combination and violence, they can have the property of others transferred to themselves. It tells the borrowers of money that they have as good a right to keep, upon their own terms, the money they have borrowed;—the hirers of mills or factories to keep them;—the hirers of houses to keep the houses;—the hirers of looms, of furniture, of dairy cows, to disregard their contracts and do the same: In every case, possession, and combination, and turbulence, will be the only sure foundations of property. An attempt is sometimes made to uphold these communistic theories with regard to land, while asserting that they are not applicable to any other commodity; and thus the authors suppose that they escape the imputation of Communism. The grounds alleged for this distinction are, that “unlike the great mass of commodities, land is not the product of any man’s industry.” But let us ask, What material thing is there in which man can have a property except land and its products? The right of property in both must be traced to the same source and rest upon the same foundation; and that acquired in land cannot be any weaker than that acquired in any of its products.

The first man that entered and found the land unoccupied, by mixing his labour with it made it his own as much as any man can with anything. Then by gift, or purchase, or inheritance, each succeeding owner derived it, with all the labour mixed with it, from his predecessor; and, according to the dictates of eternal justice, his title is good against the world. This is exactly what takes place with regard to any other commodity. Each succeeding owner may mix his labour with it and increase its value; and this is what has occurred with regard to land. Then it is said, that "the land was made by God, but other commodities by the industry of man." This reasoning is quite inaccurate. "If God made the land, does man make the corn, and the cattle, and the cotton, and the coal? If He made the mountains, does man make the minerals? If He made the land, is it man that makes the grass to grow, and the corn and cotton to spring up? Is it man that supplies the sun and the dew and the rain? Is it man that clothes the sheep with wool, or the trees with fruit? If not, then the corn, the cattle, and the cotton, the wool, the grass, the hay, and the fruit, are no more the produce of man's industry than the land itself from which they are all produced; and the denial of a right of property in one cannot stop short of that Communism which denies a property in all."\* The

\* See Appendix, Paper in the *English Law Magazine*, Feb. 7, 1867, by R. W. Gamble. q.c.

legislature which deliberately annuls the right of property in the land will find no solid logical reason for upholding the right of property in any other commodity.

This Statute may seek to persuade the tenant, that by a new title, dating from 1881, his improvements and his compensation have been more completely secured to him ; but it tells him in language much more forcible, that the old individual rights of property, which have lasted through centuries, have been swept away. That property bought expressly upon the faith of an Act of Parliament, and secured by the most solemn provisions, has been confiscated.\* That all contracts and engagements concerning property in land in Ireland have been well-nigh reduced to the same state of insecurity as prevails among tribes of savages, where the right to its enjoyment is decided by the number and strength of the tribe in possession, as compared with the number and strength of the neighbouring tribe that may covet it, or by the will and humour of the arbitrary chief. In obedience to the dictates of reckless greed and covetousness, upheld by turbulence and violence—the passions by which savage tribes are chiefly animated—property, possession, and contract, the binding safeguards by which civilised society is kept together, have been rudely torn asunder.

\* See *post*, p. 381.

Upon these safeguards, as the security for industry and capital, the essential framework of industrial life must ever rest, and when these are removed, the whole framework is out of joint. Capital, always watchful and nervous, will soon seek some safer shore. It cannot long dwell among plunderers and revolutionists. Industry will cease; for who will accumulate the fruits of industry when robbery is made the law of the State, and no one can tell whose turn it will be next to be robbed? It matters little to the victim whether the robbery is committed by the swooping down of a savage chief, or by the refined cruelty of a hypocritical Act of Parliament.

Industry and thrift must soon be banished from a people, when good faith has been banished from the councils of the nation. Neither honest enterprise nor useful investment of capital can continue, where all property is at the mercy of any class that may become numerous enough, and dishonest and violent enough, to control the acts of a vacillating and plunder-seeking majority in Parliament.

*Opinions—The extent of the corruption.*—*The Temps*, a leading French journal, conversant with all that has happened to the land in France, and with its present system of small proprietors, expresses an opinion worth noting. It says,

"*The Land Act is nothing short of a law of confiscation*, so that here we have one of the foremost States, hitherto noted for its respect of individual rights, virtually saying, that whenever a population becomes an embarrassment and a menace, it is to be appeased, not at the public expense, but by interference with supply and demand."

Lord Sherbrook, (late the Right Hon. Robert Lowe) writing in the *Nineteenth Century* concerning even the very mild and moderate proposal "to compensate tenants for the loss of improvements which they had made, but which, through their own omission, they had no right to be paid for," shewed his deep sense of justice, his sincere respect for the rights of property, and his great fear of the evil consequences of legalised confiscation. "He trusted that the Government would not, by an *ex post facto* law, exact that payment (for such compensations) from the landlord." He describes it as "the flagrant injustice of confiscating the property of ruined landowners or their creditors, for the good of tenants who had no real claim."\*

All the confiscation then denounced by Lord Sherbrook, though apparently forgotten by him, was made law by the Act of 1870. The evils which

\* *Nineteenth Century*, November, 1880, p. 687.



he dreaded have followed. The Irish landlords who were thus oppressed, were too weak to offer any effectual protest. Men's minds were soon rendered familiar with confiscation, and the monstrous Act of 1881 received the assent of Parliament.

The extent of the corruption which has invaded the moral sense of the nation may be judged of, not merely by the acts of the criminal classes, but by the acts and language of persons in high and responsible positions, avowing dishonesty and fraud, sometimes declaring it to be "criminal conduct" for a landlord to seek the recovery of his rent.

The Fenian department of the Land League punish the crime of paying rent with incendiarism, mutilation, or death. Mr. Gladstone could only think of the ejectments as "fifteen thousand sentences of death." Some of the Roman Catholic clergy seek to visit the recovery of rent with violent abuse in the "public press," "exposure" to the violence of the mob, and personal attack.

Rev. J. Flatley, C.C., wrote to the Archbishop of Tuam, complaining, "that Mr. Brown, the late M.P. for Galway, had taken proceedings *for recovery of arrears of rent*, from the tenants who had gone to the Land Court to have fair rents fixed." This simple proceeding to enforce the payment of rent, at a time when the entire tenantry were joined in an open conspiracy not to pay rent, is designated by the Archbishop of Tuam as, "a shocking, almost

incredible case . . . . persecuting poor tenants, there is no other resource but to solicit public aid, and invoke public opinion . . . . our first duty is to defend the oppressed . . . . what greater persecution can there be ? . . . . exposure in the Dublin Courts of law of such criminal conduct, would do much to prevent a repetition of such scenes, and remove the great blot of the Land Act in regard to arrears."\* So the excitable peasantry of Ireland are told in the year 1882, on the authority of the Archbishop of Tuam, that it is "*criminal conduct*" for a landlord in Ireland to proceed for the arrears of rent due to him. This is the Church of Rome teaching communism.

*The purchasers of land under the Incumbered Estates Act of 1849 and the subsequent Acts, have a further injustice done to them.*—They were not owners of the land. They had their capital for investment, and English statesmen, in order to carry out their policy of transferring the ownership of the land from incumbered proprietors to men of capital, pledged the faith of the nation to the security of a title in the lands to be sold, as in occupation of a tenantry paying the rent stipulated in the conveyance. The judges appointed by the State sold upon the faith of that rental; and so strong have been the rules of equity and law in upholding this principle

\* *London Times*, January 14, 1882.

of justice, that if there were found any deviation from the rental, injurious to the purchaser, he has always been held entitled to be compensated for all loss ensuing therefrom. If the contracts of tenancy with the former owner contained a clause, that after certain days the rents were to be reduced, and that this was concealed from the purchaser, he would have the option, according to the law of every country, of setting aside the whole transaction for fraud, or receiving compensation for the loss. The contract here was with the State; the State had the power of reducing the rents, but by the conveyance to the purchaser by the rental which it contained, and by the Act of Parliament the State was pledged in good faith not to do so. It did not guarantee the rental, nor the payment of the rent. But by every law of morality and justice, it did guarantee that the power of the State should not be used to sweep away the rental, and render what had been bought from the State valueless to the purchaser. A purchaser pays £60,000 into the Court, as directed by the State through the rules of its judges. He does so, upon the faith of getting a rental of £3000 a-year, an annual sum which the tenants have contracted to pay. The State has not contracted that they will pay it, but it has most distinctly and plainly contracted not to release the tenants from paying it. What is to be thought of the State, declaring the year after the purchase, through

its Sub-Commissioners, that the rental henceforth shall be only £2000, or £1,500 a-year. Whether the purchaser has already had many years of enjoyment or only few does not alter the injustice of the transaction. This is practically what is now being done all over Ireland with £54,183,976 worth of property already bought in the Landed Estates Court under the State guarantee. In the upper circles of private life, if a man wilfully break his solemn word or make a fraudulent bargain, he is shunned as a blackleg. In commercial life, if a merchant concludes a bargain with his fellow-merchant, by means of a wilfully concealed fraud, he will never again be trusted in business by any one who knows it. So when the Parliament of a nation breaks faith with the capitalists, whom they have allured, with the owners of property, whom they have entrapped, how is it possible to hope that capital can be invested, or business thrive, or the resources of land or commerce be developed?

*The evidence of Lord Dufferin* in a paper laid by him before the Land Commission in 1880 states, that he himself had lately disposed of £370,000 worth of landed property in Ulster to Belfast merchants, that "this £370,000 represented the accumulated thrift and industry of two or three generations of men, whose industry had created the prosperity of the North . . . that the purchasers would not get more than 2½ or 3 per cent. for their money." . . . If the Bill were carried, "the indefeasible

title issued to them by the Landed Estates Court will have been converted into a mere claim to a precarious rent-charge . . . . they will be like beasts caught in a trap, a trap originally bated by no less a person than Sir Robert Peel when Prime Minister, and into which they have been invited to enter by successive Acts of Parliament, by the highest Courts of Judicature, and by those eminent statesmen, who in passing the Land Act of 1870, induced them to agree to it on the plea, that if it curtailed some of the privileges of property, it gave an impregnable stability to those which were left." . . . . "What guarantee can any Government or even Parliament give, that the income left to the victims of three F's will not, in its turn, be confiscated in whole or in part?"\* Such were the opinions of that eminent statesman laid before the Commission, when it was supposed that intended legislation would do little more than affect the status of the proprietor. What then shall be said of the Act which, as administered by the Sub-Commissioners,† has stretched forth its hand to direct and positive plunder, which then appeared, even to Lord Dufferin, to be impossible. This miserable return of  $2\frac{1}{2}$  or 3 per cent. upon this £370,000, invested upon the faith of Parliament and the State, where its owners were so entrapped

\* See Land Question, No. VI.—Lord Dufferin on the Three F's, p. 5. † See Appendix "Work of the Land Commission."

into the investment—a return which Lord Dufferin looked upon as secure—is being steadily reduced one-third or one-half by the decisions of the Sub-Commissioners. How many thousands of Irish landlords, broken, ruined, robbed, by this unjust legislation, will be compelled to exclaim, in the agony of despair, with Mr. Richard Mahony of Kerry: “Rather than see the gradual ruin, through ignorant legislation, of a life’s systematic labour, I would prefer to colonise a district in some free land, *where enterprise is not discouraged, and where life and capital are secure.*”

*The teaching afforded by the events of the French Revolution, 1789-1793.*—The sequence of events in France immediately prior to the general outburst of anarchy and bloodshed in 1791, bear so great a resemblance to what has recently taken place in Ireland, and show so fully the terrible danger of disregarding the rights of property and endeavouring to buy off turbulence, that a reference to them may be very instructive. A short summary of them will be presently given. Edmund Burke appealed from those events in France at that day to the grandeur and stability of the British Monarchy, because the rights of property were then respected by the Parliament of England, and he believed that confiscations similar even to those at the time only commencing in France would be here impossible. In his appeal to the French people,

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payment in money—the redemption of the ecclesiastical property—the *suppression of the exclusive right of chase*—of the rights of feudal jurisdiction in matters of crime—of the disposal of offices for gain—pecuniary immunities—plurality of benefices—and the casual emolument of the clergy. A further proposal was then made that the proprietors of fiefs and seignorial rights should surrender them; but even in that assembly—the offspring of terror and revolution—the rights of private property were respected. The words by which the motion was introduced were as follows, “*These rights, it must be admitted, are property, and all property is sacred*—we cannot expect them to renounce gratuitously their feudal rights, but we may expect them to consent to the *purchase of their seignorial rights*, by their vassals, at a price to be fixed on a moderate scale by the assembly.”\* The *Moniteur* described the result thus, “In a single night the whole fabric of feudal power has fallen to the ground, and the glorious edifice of general liberty emerged in its stead.” Such were the expectations of shallow and misguided thinkers in France, and the same delusive hopes are to-day held out by the confiscators of Irish property. But the real and almost necessary consequences of these acts were afterwards stated by Dumont when he recorded the subsequent events :

\* Alison, Vol. i., p. 690.



“ The Decrees of the 4th August, (he says) so far from putting, as was expected, a stop to the robbery and violence that was going on, served only to make the people acquainted with their own strength, and to inspire them with a conviction that all their outrages against the nobility would pass with impunity. Nothing done through fear succeeds in its object. *Those whom you hope to disarm by concessions are only led by them to still bolder attempts and more extravagant demands.*”\*

2nd. *The Act of 1881 is unjust.—It is demoralising.—It tends to political disorganisation.—*

If we turn from these broad political aspects of the question, and consider the effect of the recent legislation, and especially of the Act of 1881, in a social and economic point of view, the prospect is equally discouraging. If by the plunder and ruin of the landlord class, we could hope, with any degree of assurance, that the great body of the farming class, or of any other class, would reap a solid advantage in their increased comfort and happiness, there might be at least some compensation for the injuries inflicted. But the more closely the matter is examined, the less ground does there appear for any such expectation.

\* Dumont, p. 149.

I. *The Act is economically unjust—(a) to the landlord;—(b) to the small farmers and labourers, as a body;—and (c) to the rest of the community.*

(a.) *Its injustice to the landlord in many ways has been already pointed out.—(1.)* It confiscates a large share of his property by converting tenancies from year to year in three provinces in Ireland into permanent tenancies for fifteen years, renewable for ever. The saleable value of the property so transferred, even subject to the existing rents, has already been estimated at over £100,000,000.\* Whatever its value may be, it was so much of the estate and legal interest in the land transferred upon the day the Act passed from the landlords to the tenants. That was clearly unjust. (2.) By the enforced reduction of rents, it again robs the landlord of his legal right. These rents, in a large proportion of the cases, had been regularly paid for twenty years or more, and are admitted upon all hands to have been much below the marketable price.† The average of these reductions, already made by the Sub-Commissioners, amount to about twenty-three per cent. upon the rental.‡ That would amount to over £2,000,000 a-year. Mr. Parnell demanded a reduction of £14,000,000 a-year. The *Freeman's Journal* announced that unless the Commissioners

\* *Ante*, p. 174.

† See *Ante*. pp. 290, 291.

‡ See Appendix, "Work of the Land Commissioners."

were prepared "to reduce the rental one-half, the Act could not give satisfaction." Mr. Sexton said in the House of Commons, on the 14th February, 1882, "According to the proceedings of the Commissioners, the effect would be a gross reduction of about £1,500,000 in the rents of Ireland. Did the right honourable gentleman suppose that the great agrarian movement *would be satisfied for a moment* with a reduction of £1,500,000?" The capitalised value of that annual sum would be another £30,000,000 taken from the landlords. That was unjust.

(3.) The landlord is deprived of all legitimate influence in remodelling his estate, in straightening the fences, enlarging the farms, improving the system of farming, encouraging the neatness or cleanliness of homes. The absentee, or the negligent landlord, may care for none of these things, and, as to them, may be untouched by the Act; but to the energetic, generous, and philanthropic man, engagements such as these afforded half the charm and enjoyment of the possession of property. These are all ruthlessly swept away. The landlord is henceforth only a part owner, and the other part owner will, in most cases, only despise his advice, resent his interference, and abuse his generosity. This is manifestly unjust.

(4.) On every well-managed estate, much was always required to be done in the way of repairing and making roads and watercourses. These the

landlord alone could properly carry out, with consent of his tenants. Roads and drains had frequently to be made through one tenant's farm, for the benefit of others. His control over the tenants enabled him to do what was right, and not be at too much loss. The right apparently reserved to a landlord in this respect, by section 5, sub-section 5, when sought to be enforced against an obstinate tenant, will, in most cases, be found a mockery, for, by section 13, he can only proceed by notice to quit, and the Court can stop these proceedings, and, instead of enforcing the right, may give illusory damages for injury to his remote contingent reversion.\* The landlord cannot enter on such litigation. The landlord's legitimate control over what was once his property is now taken away. His interest has been reduced to that of a remote contingent reversion. Most of his fortune is sunk in an investment, from which his entire industry and skill and remaining capital have been violently divorced.

(5.) A large portion of Ireland has suffered much from the bad farming of small tenants, and the deterioration and waste of the ground.† The evils of burning the surface of the land have been already alluded to.‡ Under this Act, if a farm is being utterly wasted, as it may be by burning the

\* *Ante*, p. 160.

† See *Ante*, pp. 290, 291.

‡ See *Ante*, p. 216.

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to year, which the landlord can determine in order to prevent subdivision. His interest, whether the farm be two acres or two hundred, is for a term of fifteen years, renewable for ever. It is a chattel interest which, by law, upon his dying intestate, descends upon his widow and all his children. Among small farmers, intestacy is, of course, the rule, and not the exception, so that an estate of 1000 acres, which to-day is divided among fifty tenants, having an average of twenty acres each, all in a state of prosperity and contentment, by reason of the landlord's firm and wise control, may, in ten years hence, be divided among 250 claimants, starving upon four acres each. The landlord is landlord no longer, and will be told that his reversion is so remote that it is tyranny for him to interfere. This evil was foreseen, but the landlord is only given a delusive power, by sec. 3,\* to compel a sale of the farm unless one person only is named as tenant. The "personal representative" is required to name one person as tenant within twelve months. In most cases there will be no personal representative. It would cost from £5 to £50 to take out administration. If there is one, will he, contrary to all equitable doctrine of the duty of trustees, be entitled to name himself? and, if named, what are to be the equitable rights of the other children?

\* 44 and 45 Vic., c. 49, sec. 3, see Appendix.

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the highest competition value. The highest rack-renting is thus by the Act imposed upon every holding. Its oppressive influence will not be limited to the cases where the farm has been sold. Every head of a family who has been improvident enough not to make provision for the family, if he do not die intestate in order to let the farm be divided, may probably deal with the property in the farm as of its full selling value in the market, and charge it with portions for the family, leaving his successor, as occupying tenant, at once burdened with the full competition price. Thus, this Bill, brought in to prevent a supposed rack-renting of the landlords, will impose, for the first time upon the three southern provinces, an oppressive and destructive rack-renting, which they will be unable to bear. This oppression will fall chiefly upon the thrifty and industrious occupiers of small farms who wish for more land, and upon the thrifty and industrious labourers who were always looking forward to become farmers, but who will be henceforth shut out from doing so, unless they can nearly purchase the fee-simple. To all such, this Act is unjust.

(2.) The Act encourages, among small farmers, indolence, extravagance, and debt, and discourages industry and thrift. The effect of giving a permanent interest to the occupier, upon which he can borrow and obtain credit, and its ruinous



consequence, have been already referred to.\* When a man, without forethought or ambition, the case of ninety per cent. of the occupiers of small holdings, is given something that he never earned—an interest in his land upon which he can borrow—labour is no longer a necessity—borrowing is easier than working; and, in most instances, indolence and drunkenness follow, debts accumulate, and the creditors now will sell. Before this Act, the small farmer and the labourer, who were industrious, sober, and thrifty, saved money, and when they had capital enough to stock a small farm, the agent or landlord was glad to take the first opportunity to give them a vacant farm at a moderate rent. A capital of some £5 an acre, or what would be equal to five years' rent, was generally sufficient to set a man up, and, in three provinces in Ireland, he got possession without any further purchase. In Ulster he also got possession, on many estates, upon paying a further sum for the limited tenant-right. All this is put an end to by the Act of 1881. The small farmer and labourer is now for ever shut out from the possession of any more land, unless he can accumulate a capital nearly sufficient to buy the fee-simple. The unfortunate agricultural labourer is condemned to perpetual servitude, because the purchase of a farm is put beyond his reach.

\* See *Ante*, p. 192.

The man in possession may happen to be a drunken spendthrift, who has run his farm into debt; but, by this Act, he is entitled to sell his interest "for the best price that can be got for the same."\* The more indulgent the landlord has been in the fixing of the rent, the more the purchase-money will be increased for this drunken spendthrift, and the more difficult will it be for the thrifty labourer ever to get a farm. The purchase of lands much underlet will be almost impracticable, and, by many, will be thought a very bad investment of capital. The purchase of lands let to the full rent will be much more easy, as the capital required to purchase will be less. In an address delivered by Mr. Gamble, Q.C., at Preston, in 1876, and widely circulated in England, this case is so fully put in his commentary upon Mr. Butt's Bill, then before the House of Commons, that it may be useful to insert an extract here. He said:—

"At present, if an industrious man makes money in trade or business, or as an agricultural labourer, as the occupier of a farm of an acre, or five or ten acres, and desires more land, he can get it from the landlord at a reasonable rent, and without exhausting his capital by paying an unreasonable purchase to the out-going tenant; but under this Bill all interference of the landlord would be shut out, and the in-coming tenant would be at the mercy of the out-going one, to wring from him the last shilling that he could pay, and perhaps leave him without capital to work his farm. All these classes would therefore be positively injured by

\* 44, 45 Vic., c. 49, sec] 1.

this Bill. Let us, then, see their relative numbers. There are in all 294,650 agricultural holdings, or nearly one-half of the entire number, under fifteen acres each. With the present prices of agricultural produce, there are few of all these 294,650 tenants who would not desire as much more land if they could get it on reasonable terms. This Bill, then, is not for their benefit. The sons of farmers, whether their farm be large or small, when they acquire a little money, also desire farms for themselves. This Bill would be to all such a positive injury. The figures prove that this is so. For ten years prior to 1871 the number of holdings, of fifteen acres each and under, decreased by 19,028 holdings, whilst the number of holdings of thirty acres each increased as follows : During the ten years to 1851 by 100,465 holdings ; during the ten years to 1861 by 8,743 holdings ; and during the ten years to 1871 by 1,470 holdings. But since there are nearly 20,000 landed proprietors in Ireland who are to be plundered by this communistic measure, it is well at least to see among whom the plunder is proposed to be divided. These, say 300,000, tenants holding over fifteen acres each, for whose sole benefit this property is to be confiscated, would represent at most 1,000,000 people ; but the other 294,650 tenants holding under fifteen acres each, represent nearly another 1,000,000 of people ; and to these have to be added some 320,000 farm labourers and servants who at present have no land, who, with the landed proprietors who are to be plundered, represent another 1,000,000 people directly interested in land, and who would be victimised by this Bill ; and to these, again, might be added another 250,000 for those represented by persons who have made money and desire the possession of land, making in round numbers 3,250,000. It is therefore communistic that one class alone, even though they represent 1,000,000 of people, should seek to pass a law to appropriate to themselves what should be equally for the benefit of another 2,250,000 of the population, but subject to the right of property and to subsisting contracts. If these figures be tested by the census return of 1871 they will be found to agree. The adult farming population, including out-door farm servants, which latter would comprise many of the small holdings, are set down at 699,777 ; the in-door agricultural farm servants

are 327,430, and the wives and children of both are 2,214,341 ; making in all an agricultural population of 3,241,548, of whom only 1,000,000 at most could be benefited by the plunder of this Bill. The measure, therefore, was not for the benefit of even one-third of the agricultural classes, much less for the general good of the nation. Its unjust and confiscating principle had not even that redeeming feature. It was simply the plunder of the landlords for the benefit of the better class of farmers ; and this was unmitigated communism. But further, emanating from the quarter from which it came, the Bill was essentially dishonest. Those who had almost the entire voting power in the election of members in the counties in Ireland were just those holding about fifteen acres or upwards. There is a grave moral responsibility resting upon those who, by being elected to Parliament, are entrusted with a power to deal by law with the property of others, and no man at the bidding of any constituency can justify the political dishonesty of supporting a law for enriching the constituents who elected him, by the plunder of those who for the most part were opposed to him. Such, then, I have proved the character of the measure to be—revolutionary, communistic, and dishonest.”

(c.) *This Act is also unjust to the rest of the community.* The case of the labourers has been already mentioned. If the State think fit, contrary to justice, to take from the landlords property to the value of £100,000,000, the State should at least apply the amount beneficially for all classes. When public plunder is determined on the entire public should, at least, receive the benefit of it. But here it is to be given entirely to 300,000 farmers, while 4,402,377 of the people are shut out from all benefit. These must all be irritated with a sense of wrong, and stimulated to a desire of plunder which they have

been permitted to look on, but not to share. The principle upon which this confiscation has been based is this, that the land belongs to the State; if so, every one in the State has a claim to his share. The Act which deprives them of their share is unjust to them.

II. *The effect of the Act will be to greatly increase the number of evictions.*—Before the Act, the number of evictions, except for non-payment of rent, were only 1 in 1000 each year,\* and for all causes were only from 3 to 6 in the 1000 each year.† The only person that could then practically determine the tenancy from year to year, was the landlord. If a creditor proceeded to sell it, the landlord might refuse to adopt the purchaser and proceed to determine the tenancy. The occupiers were thus under the protection of the landlord, and hence the small number of evictions. Under the Act, the tenancy from year to year is converted into a saleable interest. The inducement on the one side to borrow and go into debt; on the other, to give credit, is enormously increased.‡ The creditors will proceed to sell the tenants' interest without pity or remorse, and the purchasers will evict. Instead of having to deal with the forbearance and protection of the feudal landlord, which the tenants have ungratefully rejected, they will have to deal with the hard, exact, commercial spirit of the creditors, among the shopkeepers and money-

\* *Ante* p. 257.

† *Ante*, p. 256.

‡ *Ante*, p. 192.

lenders, whose advice they have followed, and evictions will be increased.

Again, under the old law, the landlord, upon the death of the tenant, agreed with one of the family, and made him tenant; the others lived with him or her, and got paid off by degrees. Under the Act, the tenancy, in case of intestacy, devolves on all the family, and the landlord has no remedy except to compel a sale. Each member of the family can compel a sale; every unpaid creditor can compel a sale, and every sale will involve an eviction. This existed, to a limited extent, where there was tenant-right, and so the number of ejectment decrees were always more numerous in Ulster. They were in 1876 about 7 in the 1,000 holdings\* in Ulster, and about 6 in the 1,000 holdings in the other three provinces.

III. *The effect of the Act is socially demoralising—*  
 (a.) Its effect upon the tenants, in leading to borrowing and debt, has been already pointed out.† The numerous evils arising from long leases have been shewn.‡ Such tenure leads to the creation of a race of middlemen, who, in spite of all legislation, will continue to sublet, and, if made owners, will, in a few years, bring the country, by these means, again to beggary and want. (b.) That a terrible de-

\* *Ante*, p. 245

† *Ante*, p. 192.

‡ See *ante* pp. 220, 227.

moralisation is likely to arise from such wholesale transfer of property has been demonstrated\* from all the settled principles of political economy, and shewn to have in fact arisen to a fearful extent during the last two years. (c.) The degrading effect upon the labouring classes and all others has been alluded to. This has been shewn to arise from securing for the drunken spendthrift tenants, out of the honest industry of others, large sums for the purchase-money of their interests in the land;† from rewarding turbulence and violence of one class by the wholesale plunder of another class;‡ from destroying the security of property; from making all classes familiar with the profits of confiscation, and stimulating their selfish greed of gain by successive doles of public plunder.¶ (d.) This degrading effect will be still further felt by the ruin and removal of a large number of small proprietors, a fairly educated class, supporters of law and order, men becoming every day more engaged in learning the science of agriculture, and, by their example and influence, spreading the information among the surrounding farmers; by the removal also of their civilising and restraining influence upon society. (e.) It will be felt by the widespread sense of insecurity caused by these violent inroads upon property, by capital being banished, when

\* See *ante*, p. 312.

† *Ib.*, p. 322.

‡ *Ib.*, p. 192.

¶ *Ib.*, p. 324.

property of all kinds and life itself will appear at the mercy of any organised conspiracy.

IV. *The Act is likely also to cause great political disorganisation.*—(a.) It must lead to endless agitations and conspiracies. Those not yet reached in the distribution of this £100,000,000 of public plunder, will be stimulated to the utmost in order that by the same turbulence and violence they may get themselves included. The 100,000 leaseholders, the occupiers of demesnes and town-parks, and then of mere grazing farms and of houses,\* all will probably enter upon the course of violence which has so well succeeded.

(b.) The removal of the present landlords will take away all restraints upon disaffection and disloyalty. The loyal garrison will be gone. By making the disaffected the owners of the soil under the name of a permanency of tenure, all restraint upon their actions will be henceforth removed.† They will naturally hasten to free themselves from the residue of the rent, and will claim, with ten-fold greater force, the right to make the laws to regulate their own lands,‡ and no longer to be bound by English laws or governed by an English garrison, whose functions, as owners of the soil, are gone.

(c.) The whole Parliamentary and Municipal

\* *Ante*, p. 368.

† *Ante*, 121.

‡ *Post*, p. 413.



Representation of Ireland will soon be seized and monopolised by a most audacious and tyrannical organisation. Most of the members sent from Ireland to the next Parliament will be of the same type as the worst class now there. The feast of public plunder will bring every voter to the poll. A grasping selfishness will reign supreme. The candidate who promises the largest measure of confiscation will be sure of success. In three provinces the "extermination of Protestantism" may be joined as a cry with the "extermination of landlords." The municipal bodies will be organised as a power to supersede and overthrow English rule and all English authority.\*

Thus, by this unhappy Act, upon every platform in every county, borough, town, and village, the struggle against property and its owners, against law and order and good government, against English influence and English law, will be intensified, while every weapon has been struck from the hands of England's friends in Ireland, and every stronghold and fortress has been surrendered to her enemies. Nor does it rest there. The wholesale confiscation of property, in obedience to

\* In 1881-2 the cities of Dublin, Cork, and Limerick presented the freedom of the respective cities to Mr. Parnell and Mr. Dillon, while they were in gaol. Several municipal bodies elected imprisoned "suspects" to the office of Mayor. At several Boards of Poor Law Guardians, in 1882, noblemen and gentlemen who had acted as Chairmen for years were outvoted and replaced by imprisoned suspects

threats and violence, has given such an impulse to the doctrines of communism, that the struggle may be for the maintenance of society itself.

Such are believed to be the tendencies of the Act, and the consequences to be feared from it; but whether it be just or unjust, wise or unwise, it is now the law; and it is one of those Acts so deeply affecting the relations of large classes, that when once passed, it is almost impossible to go back upon it. Its administration has been entrusted to the Commissioners and Sub-Commissioners, and County Court Judges, who, no matter what their opinions may be, are bound to administer it faithfully in the spirit and intention of the Legislature by which it was passed. The future good or evil does not rest with them, they are mere administrators, fulfilling the duties of their office, by carrying out the intention of the Act as appearing from its context; and it has always been acknowledged in Ireland that every judicial functionary has faithfully adhered to this line of duty, no matter what his religious or political antecedents may have been.

*3rd. Disaffection and disloyalty are likely to be produced by Fixity of Tenure in Ireland.*

One of the greatest blunders made by English statesmen with regard to Ireland, is supposing

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fields are stained with the blood of the victims of disorder. The trading class must keep down civil strife. Disturbance in the State would compel them at once to withdraw their trading capital from all investment and employment with a view to its security, and thus to leave it unremunerative. The farmers are sure that their capital—the land which they occupy—is safe, because no man can take it away with him, and, as the last two years have shown, they may even take advantage of civil strife and outrage and anarchy, by making it the excuse for not paying any rent, and may thus increase their incomes. The *former* possess their property, because they first possessed the industry by which they acquired it; and because their rights of property were, in the meantime, secure. The gift of a property in the land to the *latter* cannot bestow on them the necessary industry, nor a desire for peace and order, nor loyalty to the State; and the very transfer of the property in the land to them destroys all security of property. The natural and almost necessary consequence of the bestowal of such gifts would be to slacken industry and thrift, to make the tenants throw off all control of their landlords, and despise and hate those whom they have stripped of all power—*humanum est odisse quos læserunt*—those who still bar their road to the full possession of the soil—those whom they have long looked upon as the last upholders of the English tyranny over them.

*The Act will destroy a loyal middle class already existing.*—On the one side is arrayed the whole class of Roman Catholic tenants, who put themselves forward as the Irish nation—now elevated into Part Owners, and freed from all fear or danger to their occupation. On the other side are the whole class of Landlords, for the most part Protestants, some indeed the descendants of the grantees of the estates forfeited at successive English Conquests ; but in the vast proportion of cases, purchasers who bought estates, relying upon national faith.\* These owners have been and still are pointed at as the English garrison in Ireland, the sole prop of the English throne upon Irish soil. Besides these great proprietors, there is a large class of small proprietors, some the descendants of former large owners ; some, men who have by their own industry made fortunes and bought land. Many of them recent purchasers in the Landed Estates Court. These constitute a middle class, of proved loyalty, steady supporters of law and order, the very class that it would be desirable to create, but most of them will be ruined by this Act, and driven out. This is the class that the Revolutionists have never ceased to slander, oppose, and endeavour to destroy. Every element of national hatred, religious rancour, and class interest has been stirred up against them.

\* The purchases through the Land Court alone, from 1849 were 10,034, and the amount to £54,183,785.

Every concession has been used only to stimulate and increase the turbulence and discontent, and then the existence of these evils is relied on as evidence of the justice of the cause in which the disturbers of the public peace are enlisted.

No matter how disloyal or treasonable any tenant may be at the landlord's own door, his influence to control or check such a course has been swept away by the Act of 1881. He must, as a mere rent-charger upon his estate, henceforth, be blind and deaf to every act of disaffection and disloyalty or even treason, of those who were once his tenants, and be thankful if he is permitted for a little time longer to live in his mansion and receive the small residue of his rents, that remains unfiscated.

The concession of fixity of tenure is taken as proof that the tenants, as the "representatives of the ancient Irish," who inhabited before the English Conquest, and as "the tillers of the soil," are its rightful owners; that as such they have an inalienable right to drive out the Irish landlords and every vestige of the English power that upholds them. This turbulence and violence have nearly reduced the country to a state of anarchy. The leaders of these people and very many of their spiritual advisers, have designedly made them become ungovernable, and then they declare that the English cannot govern them, and that they will not any longer submit to be governed by England or English laws.

These violent and persistent attacks upon the Irish landlords, as the supporters of English Authority, are similar in every respect to the attacks made upon the French monarchy and the French nobility, immediately before they were both swept away in the bloody revolution of 1789—1792; and the course then pursued has been thus forcibly described by Edmund Burke:—“When all the frauds and villainies, and perjuries, and confiscations . . . and every description of cruelty employed to bring about and to uphold the revolution . . . have shocked the moral sentiment of all sober minds. Then they declaim against the old monarchical Government, as if there was no alternative but to destroy it.” Let “English Government in Ireland” be substituted for “monarchical Government,” and the parallel so far is complete.

*National Independence is the ulterior object sought: the Chicago Convention shows it.*—At the Irish Convention in September 1881, after the Act of 1881 had become law, there was hardly a word of gratitude for so great a boon (estimated at £100,000,000), but the first resolution passed declared “the right of Ireland to self-government which they would never cease to struggle for.”\*

In December, 1881, what was called an Irish

\* See *ante*, p. 344.



Convention was held at Chicago in the United States—a Mr. Finnity put the case of Ireland thus, "Ireland is nothing less than England's bitterest foe, and we are nothing less than Ireland's unquenchable and uncompromising allies. . . . The contest between England and Ireland, at first sight, might be a thing that it would seem folly or madness to talk about. The Irish people have no army *as yet*. The English Government has a large army." Father Sheehy was released from prison, where he had been as a Suspect, and was at the meeting and said, "I want to tell you here to-night that we face landlordism, and aim at its utter destruction, but only as a *stepping stone and a means to a greater and higher end*." Again he says, "Will you be content to go on paying *what is called a fair rent, an abomination, a crime, not only against modern civilisation in Ireland, but against common sense and blasphemy against God*. . . . In France landlordism was swept down and *crushed utterly by the armed hand of revolution*. . . . I would not be satisfied with independence if I were not satisfied that there was *a day in the future when the Irish race would revenge themselves upon their enemies*." These are the objects for which alone Mr. Parnell declared that he thought it worth while to have "taken off his coat." At Cincinnati Mr. Parnell said, "None of us, whether we are in America, or in Ireland, or wherever we may be, will be satisfied until we have de-

stroyed the last link which keeps Ireland bound to England.”\*

The plan of the Land League is really that originated by Mr. J. F. Lalor in the *Irish Felon*, on the 24th June, 1848, which, from unaccountable blindness or reckless self-interest, has been promoted by English Radical statesmen. It was thus stated :—

“The entire ownership of Ireland, moral and material, up to the sun and down to the centre is vested of right in the *Irish People* . . . All laws are null or void not made by them, and *all titles to land invalid not conferred by them*. . . . The land question contains, the legislative question (that is “Repeal of the Union”) does not contain the materials from which victory is to be manufactured . . . fling out our banner, and hurl down to England our gage of battle. . . . Victory follows that banner and no other. This island is ours, and have it we will. . . . The indefeasible *right of property* is the right of the people to this land, and to possess it. . . . Link Repeal to some other question like a railway carriage to an engine. . . . Such a question then is in the land.”

In a further article of July 8th, 1848, THE FAITH OF A FELON is set out. It says :—

“The English conquest consisted of two parts—the conquest of our liberties, and the conquest of our lands . . . the lands were *owned* by the conquering race, or by traitors to the conquered race. They were *occupied* by the native people, or by settlers who had mingled and merged. I selected, as the *mode of reconquest*, to refuse payment of rent, and resist process of ejectment . . . to refuse all rent to the present usurping proprietors until they (the

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\* See “Truth about the Land League,” p. 28; an excellent pamphlet, in which the policy of the League is proved by copious and well-selected extracts.

people) have in *national convention* decided *what rents* they ought to pay, *and to whom* they are to pay them.

"And that the people ought to decide that those rents shall be *paid to themselves*—the people—for public purposes. . . . The English Government will then have to choose whether to *surrender the Irish* landlords, or to support them with the armed power of the empire. If it refuse to incur the odium and expense, and to peril the safety of England in a social war of extermination, then *the landlords are nobody, the people are lords of the land*, a mighty *social revolution* is accomplished, and the *foundations of a national revolution surely laid*."\*

What was foreshadowed by the *Irish Felon* in 1848, was adopted as a policy by the Land League in 1880; and the dastardly and destructive alternative, suggested by the *Irish Felon*, "to render the landlords nobody, and the people the lords of the land," is the one which has been adopted by Government. The first part of the programme has been almost accomplished, the rest still hangs in the balance. Mr. Gladstone uses the words of the *Irish Felon*, and calls it a "social revolution."

This has not been done without warning, for the words of Mr. Parnell, spoken at Cincinnati, on February 23rd, 1880, gave distinct notice of his adoption of the policy of the *Irish Felon*. He said, "I feel confident we shall kill the Irish landlord system; and when we have given Ireland to the people of Ireland, we shall *have laid the foundation on which to build the Irish Nation*." The very words of the *Felon* of 1848.

\* See the *American Irish*, by P. H. Bagenal, 1882, pp. 156-162, 164.

The uttering of sentiments like these in the United Kingdom would be high treason, and would be punishable as such ; therefore the language here is more guarded, the treason is veiled—sometimes only thinly veiled—but the ultimate design of many of the leaders is too apparent. The leaders entertaining such sentiments may not yet be numerous, but their deluded followers would embrace one-third of the people of Ireland, and their strength is every day increased by the utterances of wreckless or interested English Statesmen. The evil consequences of such utterances are the same, whether they be made through unaccountable folly, or desperate party design. One instance will suffice. Mr. P. J. Smyth, M.P., moved on the 13th February, 1882, an amendment to the Address to the Crown, declaring it advisable that the Legislative Union between Great Britain and Ireland, should be repealed. Mr. Sexton, M.P. for Sligo, supported the motion, and alluding to a speech of Mr. Parnell's, said, "Mr. Parnell urged his hearers not to cease in their agitation until the detestable alien rule of the Buckshot Government which had kept the country impoverished, had been got rid of. He (Mr. Sexton) earnestly shared that hope. Mr. Gladstone, the authorised leader, not merely of the extreme Radical Party, but of the whole Radical Party, bearing the responsibility of Prime Minister, in answer to this appeal announced his

intentions, " as a cardinal rule of policy, so far as he could, with regard to the general safety and structure of the Empire, to decentralise Parliament." His language was at once interpreted by many of his followers as a concession of the principle of a separation of the two countries.

That the ulterior object of the present movement is the dismemberment of the United Kingdom, is now plain. The matter has now passed outside the domain of argument, because it has been over and over again avowed by the leaders of the movement that the extermination of the Protestant landlords of Ireland is but the means to the end desired, the complete overthrow of the power of Protestant England, and the establishment of an independent Roman Catholic Ireland. This is the agitation which England has now to meet and reckon with. This is the impending struggle for which the revolutionists in Ireland have been gradually acquiring strength, while weak and self-seeking statesmen in England have been year by year placing under their control every position of power and strength. The permanency of occupation of the land given by the Act of 1881, has in three provinces in Ireland placed all power in the hands of the Roman Catholic tenants, who are all actuated by these sentiments against England. They now possess the land free of all control and influence, and already with threats and violence declare their determination to

hold it on such terms as they themselves may dictate, freed from all control of British law, of British courts of justice, or executive authority.

*As in the French Revolution, the beginning may be small, the danger is not less.*—The danger of the present hour is that men seeing but the small beginnings, are lulled into security. They think it is only so much crime and outrage which a vigorous enforcement of the law would stop. They do not look beneath the surface, and see the terrible stimulants that are being applied to the worst and most dangerous passions of mankind. They do not investigate the character of the crimes committed, nor think upon their almost universal impunity. They cannot see, or will not admit, that these outrages, numerous as they have been, are but the spots upon the surface of the skin, which indicate that the whole framework of society is disorganized, and that a violent and corrupting fever is rapidly consuming the vitality of the nation. With those who have any part in approving of those so-called reforms, it is insulting to their self-opinionated pride to admit that any such consequences could follow from their well-intentioned concessions.

It was so likewise in the French Revolution; the monarchy was not at first attacked; the king was, himself, for three years assenting to and leading the revolutionary changes, even to the extent of a large share of the confiscations of 1789. The

properties of the Church and of the landlords were not all swept away at once. The revolutionists proceeded by stages as they have done in Ireland. First, as will presently appear, the tithes of the clergy and the feudal rights of the nobles were abolished; then the Church lands and the signorial rights, then the confiscation of a few properties only. The appetite for further plunder soon became unappeasable. The cry then arose for all the property and the lives of the whole class. The Church and the monarchy that resisted were soon swept away, along with the owners of the land. The priest, the landlord, the noble, and the king, sank together in a sea of blood, before the surging tide of communism, marching under the red flag to possess and divide the land.\* Such was also the mistaken language of Mirabeau

\* Mr. Chamberlain, in his speech at Birmingham, January 3rd, 1882, misusing history for his own purpose, boasts of having without bloodshed transferred the property of landlords, as in the French Revolution. He said, "In a few years we shall have wrought a great *social transformation*, as important as that which was carried through with so much suffering and bloodshed in the French Revolution." The beginnings are the same, the end has yet to come. He looks to the French precedent, and so do the revolutionists in Ireland and America.† He hopes to stop at limits which he could himself define, so did the first committee of the French Revolution. But they were soon removed by the guillotine to make room for fiercer spirits. Mr. Gladstone's Government was hailed with joy by the revolutionists, until it had done their work as far as it would go. Now it is condemned as tyrannical, and oppressive, supporting itself by coercion and a suspension of the Constitution.

† See *Ante*, pp. 412-413.

and Necker when, by counselling the king to like concessions, they were hurrying on the bloody revolution in France, and, by destroying one by one the safeguards of the Constitution, were rendering the power of the revolutionists invincible. The true criticism upon such a policy is well stated in the words of Baroness de Stael, referring to the like destructive policy in France. She says, "The legislative assembly overthrew the monarchy by means of sophistry. *Its decrees perverted the good sense, and depraved the morality of the nation.* A kind of political hypocrisy, still more dangerous than hypocrisy in religion, was necessary to destroy the throne piecemeal, while swearing to maintain it." This has been for some years the policy of Mr. Gladstone with regard to the estates of the landlords in Ireland, and is now his policy with regard to Home Rule. His power is even now trembling in the balance. Is he prepared, like the French King, by fresh concessions, to enter upon a new career of confiscation ?

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## PART III. CHAPTER III.

### TENDENCY TO SOCIAL DISORGANISATION AND A BLOODY REVOLUTION.

SEC. 1. The immediate effect of the Act of 1881 has been to increase crime, p. 420 to 428.

It was so with the confiscation under the Acts of 1869 and 1870, p. 422—with the introduction of the Disturbance Bill of 1880, p. 424—and from the time of the mention of the Bill of 1881 to the present, p. 425.

SEC. 2. The doctrines of the French Revolution (1789-92) encouraged and acted on, p. 428.

Close Analogy of Events—

The right of Game, p. 430. Confiscation of Church Property, p. 432. Confiscation of the land, p. 436. The results—Historic warnings, p. 437.

SEC. 3. The fall of the Roman Empire from similar causes, p. 446.

The Imperial Throne bought by "Donatives," p. 448. Thence no limit to the corruption when the gifts are obtained by the plunder of a class, p. 451. The prophetic warning of Edmund Burke, p. 452. Conclusion, p. 460.

IF any doubt existed among thinking men as to the probable consequences of this legislation at the time of its introduction none can exist now. The few months that have elapsed while these pages have been going through the press have supplied a dismal and a bloody commentary of crime and outrage more powerful than any arguments that could be used.

The fatal and fearful tendency of unwise con-

cessions to public violence, and the demoralising effect of the distribution of public plunder with the hope of appeasing agrarian agitation and violence have been already alluded to.\* The temptations to borrow, the social degradation, debt and discontent likely to follow from gratuitous gifts of permanency of tenure have been already traced.† The terrible danger, social and political, of whetting the appetite for public plunder by the concession of such gifts has been pointed out.‡ It only remains to show, as a matter of recorded fact terrible to contemplate, that every concession to agitation and violence in Ireland has produced a fresh crop of agrarian crimes and outrages, increasing continually in number and diabolical audacity, until on each occasion they have been suppressed by a suspension of the Constitution and an appeal to force.

The government of the late Lord Derby and of Mr. Disraeli continued in office from July 6th, 1866, to December 5th, 1868. During the latter year the Liberal party began to agitate for the disestablishment of the Church in Ireland. As it has too often happened in the history of that unhappy country, the Whigs had then chosen it, as a safe battle ground for them, in the struggle of English parties. The question of abolishing the Church

\* *Ante*, pp. 140, 150, 322.

† *Ante*, pp. 193, 199, 210.

‡ *Ante*, pp. 316, 345.

Establishment in Ireland, though at the time not agitated there, nor cared for by the great mass of the Irish people, was found to be one upon which the English Liberals, and Irish Catholics, and Dissenters could cordially agree. Supported by the promise of Mr. Gladstone to cut down it, and the two other branches of the "Upas tree of Protestant Ascendancy"—the landed interest and state education—it supplied the Government with a policy upon which they could agree, and excused any attention to Scotch and English questions of importance. At the general election in 1868 Mr. Gladstone succeeded upon this policy, supposed to be a policy of conciliation and concession to Ireland, and came into power December 9th, 1868, under many weighty promises to carry it out.

*Outrages increased by Acts of 1869 and 1870.*—During the three years the Conservative Government were in power, bound by no such promises, and making no such ill-advised concessions—the years 1866, 1867, and 1868—the number of agrarian outrages were 87, 123, 160, giving an average of 123 for each of the three years. In 1869, the year in which the Church Act was passed, and conciliation was beginning to operate, the agrarian outrages increased to 767, including 26 cases of murder or shooting at, 18 cases of incendiary fires, 171 cases of administering oaths, and 6 cases of firing into dwellings. In 1870 when the fatal step was taken of passing a Land Act, with unjust and

confiscating disturbance clauses, when conciliation was in full force, the agrarian outrages increased to 1,329 for the year, including 18 cases of murder or shooting at, 38 incendiary fires, 323 cases of administering unlawful oaths, and 21 cases of firing into dwellings. And the entire number reported, increased from 2,021 in 1867 to 4,351 in 1870.

No sooner had conciliation awakened the spirit of violence and crime than it became necessary to have recourse to repression and coercion. Early in 1870 the Government had to pass a Coercion Act, the most stringent ever enacted in Ireland except in times of civil war,\* and crimes then soon decreased. The agrarian outrages in the succeeding years were as follows :—for 1871, 373, for 1872, 256, for 1873, 254.

A general election was expected at the end of 1873, but did not take place until January, 1874. The Home Rule party made desperate efforts to influence the electors in Ireland and in England,

\* By the Peace Preservation (Ireland) Act, 1870, 33 Vic. 9, part I., power was given to search for arms under a warrant, and to enter any house in a proclaimed district by day or night for the purpose. Under Part II., sec. 23, power was given to arrest any person found out of his dwelling an hour after sunset and before sunrise, and if he should be found not to have been upon lawful business to commit him to prison for six months. Part III. gave full control over the revolutionary Press, and (sec. 40) gave power to grand juries to give compensation for agrarian outrages to the relatives of persons murdered, or to persons themselves, if injured, and to charge the amount upon the district where the crime had been committed. By the Act of 1875 portions of this Act were continued down to June, 1880.

and were then quite prepared, if the Radicals had succeeded at the elections, to take up the programme which was inaugurated in 1880. But Mr. Disraeli returned to office, and agrarian outrages still further decreased. The number for 1874 were (213), for 1875 (136), for 1876 (212), for 1877 (236), for 1878 (301). Ordinary crime also decreased to its normal amount. Then the pressure of the exceedingly bad harvests of 1878 and 1879 led to poverty and crime. The agitation of Mr. Parnell began to operate. The Conservative Government, in view of the approaching election, were less strict in enforcing the law than they should have been. Michal Davitt, the convicted felon, was released on ticket of leave in 1877.\*

In the year 1879 the agrarian outrages increased to 863. The general election took place in March; on April 28, 1880, Mr. Gladstone returned to power with an overwhelming majority, and was at perfect liberty to introduce any measures he thought fit. Unhappily he began at once with a trial of conciliation. Contrary to the warning letter of Lord Beaconsfield,† and the earnest appeals of the Duke of Marlborough, he suffered the Peace Preservation Act to expire on the 1st day of June, 1880, and trusted instead to the largest promises of concession to the tenants upon the Land Question.

The Compensation for Disturbance Bill‡ was

\* He was released December 19th, 1877, and re-arrested September 18th, 1878, but released again in a week.

† *Ante*, p. 327.

‡ See Appendix.

introduced in the month of July, 1880. By this it was intended that in three-fourths of Ireland, if a landlord sought to recover his rent by ejectment, where the annual value was under £30, the tenant should be entitled to recover from him compensation for disturbance upon a scale varying from five to seven years' rent, and it was intended that the Act should remain in force until the end of the year 1881. This would practically have put a stop to the payment or recovery of rent for two years. It was quite sufficient to set the smaller tenants in a phrenzy of excitement, and to persuade them of the morality and justice of resisting the payment of rent, and it bore its natural fruit. It was rejected by the House of Lords at the very end of the session, but in the meantime it had done its work of demoralization. The "hateful incident" of coercion was also avoided, and the agrarian outrages during 1880 increased threefold, having reached the number of 2585, including 32 cases of murder or shooting at; 210 incendiary fires; and 64 cases of firing into dwellings.\*

*The year 1881 opened with still fuller and larger promises of concession* to the violence and turbulence of the tenants. A Land Bill was introduced and passed, which made the tenants part owners of their farms, and transferred to them some £100,000,000† worth of the landlords' property. A pretence of coercion was also made, but the value

\* See Appendix, Crime and Outrage.

† See *Ante*, p. 174.

of the Act was neutralized by amendments introduced at the instance of the Land League, and by perverted and indulgent administration.\*

The agrarian outrages further increased to the number of 4439 during the year, including 98 cases of murder or shooting at; 209 cases of assaults upon police or process-servers, or other aggravated assaults; 356 incendiary fires; and 44 cases of firing into dwellings.

The demoralising effect of this policy showed itself in an enormous increase in ordinary crime as well as in agrarian outrages. The entire number of offences, which from 1873 to 1878 ranged from 2,001 to 2,524, increased to 3,500 in 1879, 5,669 in 1880, and 7,788 in 1881. The Land Bill passed the Commons on the 28th day of July, 1881, and received the royal assent on the 22nd day of August, 1881, and the agrarian outrages which for the preceding six months, great as the number was, had not exceeded 351 in any month, at once increased to 373 in August, 416 in September, 511 in October, 534 in November, and 574 in December, including, during the five months, 52 cases of murder or shooting at, and 197 incendiary fires. The numbers for each month being often double the number for an entire year between 1874 and 1878.

The landlords had been plundered to the extent of £100,000,000. Their influence in favour of

\* See *Ante*, pp. 334-337.

order and good government, and English influence had been destroyed. The principles of political economy, of freedom of contract, of justice, honesty, and national honour, had all been sacrificed upon the altar of a blind and cowardly concession to turbulence, and these multiplied outrages are the sad returns which the nation has had for these precious and costly offerings.

But the bitter cup is not yet full. The demoralising seeds of public plunder have been spread broadcast over the land, and are cropping up faster than they can be cut down. No man can tell how or when it may be possible to eradicate them. The agrarian outrages for January, 1882, were 479, for February 407, for March 531, for April 462, making a fearful total of no less than 1879 for the four months,\* the first fruits for the year 1882 of the confiscatory Land Bill.

A still more appalling feature is that the perpetrators of nearly all the agrarian crimes, and the other very serious crimes, remain unpunished.†

\* Only 28 persons were awaiting trial in May, 1882, for the 1,417 crimes committed in the first three months. See Parliamentary Return, May 1882, Appendix.

† In 1880 there were 20 infanticides, 22 murders, 80 cases of manslaughter, 242 cases of attempts to murder or to do bodily harm (those include the 92 cases of agrarian murder or shooting at), and 3,093 other serious offences; and yet the entire number of convictions, as judged by the sentences, were but one-tenth of the offences. There were 3 sentences of death against 42 murders; there were 121 sentences of penal servitude as against 80 cases of manslaughter, and 242 cases of attempts to murder or to do bodily harm; and 456 sentences of over 6 months imprisonment as against the 3,093 other offences, including 84 offences against the lives of infants, and 1876 cases of intimidation.



entering upon the perilous path of confiscation of property in Ireland, to mark the wonderful parallel between the events which then took place in France and the events in Ireland, and to draw attention to the results which followed from the same course in France.

*Close analogy of events.—The right of Game.*—The Decrees of the 4th and 11th August, 1789, only took from the proprietor in France the *exclusive* right of game; "the right of chase was given to each man upon his own land only." The Irish Land Act, 1881, gave to the tenant a permanent interest in his holding, but reserved to the proprietor his full rights of game. In France, as told by Alison, "an immense crowd of artisans and mechanics issued from the towns, and joining the rural population, spread themselves over the fields in search of game; the greatest violence was speedily committed by the armed and uncontrollable multitude. No sort of regard was paid to the clause of the Decree of the Assembly."

In Ireland, the Act of August, 1881, although making the tenant a part owner of the land, reserved to the landlord, the exclusive right of game. The tenants, stimulated by this plunder, proceeded in many districts to disregard the law, and not only possess themselves of the game upon their farms, but to break into the demesnes and preserves, and plunder all that they could reach.

On St. Stephen's Day, December 26th, 1881, Land League hunts were organised in many counties. Large mobs collected, with guns and dogs of all kinds, and endeavoured to break into the preserves and take all the game they could get, for the alleged purpose of supplying them to the prisoners in gaol. In Cork they met at Carrigaline and Rathduff, but were dispersed by the military and police. At Miltown, in the County Kildare, 400 collected, with guns and dogs, for the same purpose, but after killing some hares they were pursued by the police. In Westmeath 200 police and 100 military were required at Moate to stop similar proceedings. In the preserves of Sir E. Waller, near Newport, Tipperary, a body of these marauders succeeded in killing forty-seven hares, a number of pheasants, and a great number of rabbits. Notices were posted for several hunts to take place on January 6th, 1882, "to meet Parnell's hounds to kill game to make soup for the suspects that are confined in British dungeons."

Similar hunts were organised for that day in Wicklow, Carlow, Kildare, King's County, Tipperary, Waterford, Westmeath, Cork, Limerick, Clare, Galway, and other counties. The Government for once acted with vigour, and in some places prevented the hunts. There were 100 soldiers at Moate, and a number of police; a troop of hussars at Mayo. Sixty police, a troop of

cavalry, and three companies of infantry, at Kilnavullen; thirty police and two companies of infantry at Charleville, both in Cork; and in several other places overwhelming forces of dragoons, infantry, and constabulary were required in the field to disperse the mobs that came to plunder the game, and yet in many places they escaped the authorities. Some 800 men, with horns and greyhounds, were reported to have entered Captain Barry's demesne, in Waterford, and killed a large quantity of game of all kinds.

When the cases of France and Ireland are compared, it appears that the violation of the rights of property, and the defiance of constituted authority, was more audacious and inexcusable in Ireland than in France. In the former the Parliament, in an Act conferring enormous benefits upon the tenants, distinctly reserved the game to the landlords, and therefore no possible excuse existed. In the latter the right of chase upon his own farm was given to the tenant, and he only extended the right.

*Confiscation of Church Property.*—The very same coincidence arises in the case of the property of the Church. In Ireland, by the Church Act of 1869, the property of the Church of Ireland was confiscated to the State to the value of £15,607,824.\*

\* See *ante*, p. 141.

The Church lands to the value of £90,000 a year were given to the tenants.\* The Land Act of 1870 followed, which placed under the power of the County Courts property to the value of £20,000,000.†

The Act of 1881, passed to appease a violent agitation, and without any other valid reason, absolutely transferred from the landlord to the tenant property to the estimated value of £100,000,000.‡

In France, on the 4th August, 1789, the National Assembly, with the consent of the Bishops and clergy, submitting to a like violence, confiscated the tithes, but did so with the higher and more reasonable excuse of a pressing State necessity arising from want of funds,—a necessity so pressing that the King and Queen had long before sent all their plate and ornaments to be melted down at the mint, to meet the demands upon the public purse,—a necessity of such magnitude that upon a revenue of under £20,000,000 a year, the ordinary deficiency had reached in 1789 the enormous sum of £8,000,000 a year, a deficit which in three years had amounted to the sum of £50,000,000. These were the trying circumstances under which the spoliation of the Church began in France. There was no such excuse in England for confiscating the property of the Church of Ireland.

\* See *ante*, p. 143.

† See *ante*, p. 146.

‡ See *ante*, p. 174.

But even this was not sufficient to supply the drain that was being caused by the payment of Revolutionary Agents.

On the 10th August, the Archbishops and Bishops in the assembly signed a surrender of their tithes. They said, "We surrender the Ecclesiastical Tithes into the hands of a just and generous nation—let the Gospel be preached. Such is the wish of all the clergy, and it puts its trust in the magnanimity of the nation."\* Thus the property of the Church, which was value for £2,000,000 a-year, was confiscated at a blow, with a promise of the nation supporting the Bishops and Clergy.

On the 11th of August, all this surrender and confiscation of property was confirmed by the assembly.

The State embarrassment in France at last became so great, that a resolution of the Assembly was passed on the 24th September, 1789, imposing upon all classes a taxation of one-fourth of their entire income. On the 3rd of October, a ravenous multitude broke into the National Assembly at Versailles, demanding bread, and drowned the voices of the Deputies with cries of "Bread! bread!" They soon after broke into the palace, and insisted upon the King going to Paris. These were the trying necessities under which, on the 2nd November, 1789, the resolutions were passed

\* Alison I., 699.

confiscating the property of the Church in France to the amount of £80,000,000, and providing incomes for the bishops and clergy equal only to about one-fifth of their former incomes.

The disorders in France increased, they became desperate in June, 1790, and were only for a time suppressed when fresh lives had been lost on both sides, the red flag hoisted, and martial law proclaimed. But neither respect for the noble self-sacrifice of the bishops and clergy when they voluntarily surrendered their tithes in the Assembly, on the 4th August, 1789, nor commiseration with their fallen state when their benefices and lands were confiscated by the Assembly on the 2nd November of the same year, could save them. On the 27th November, 1790, a decree was passed by the Assembly, requiring of the clergy an oath "to maintain with all their power the Constitution decreed by the National Assembly and accepted by the King,"—the Constitution which, not only confiscated their property, but transferred the appointment of the clergy from the bishops to a numerical majority in each parish. This they refused to do, and amid the solemn silence of the Assembly they rose up one by one, and refused to swear.\*

The Abbé Maury raised his warning voice in the Assembly, and his words should have long since found an echo in the minds of English

\* Alison I., p. 800.

statesmen. He said: "This great measure of spoliation is the first step in Revolutionary Confiscation, and will soon be followed up by the seizure of property of every description." His protest was in vain; the resolution was passed. Englishmen may blush when the confiscation of the property of the Church of Ireland,—without necessity,—by her Constitutional Parliament,—is compared in this respect even with the confiscation adopted by the Revolutionary Assembly of Paris under its unavoidable necessities. The possession of that ill-gotten wealth helped to drag down the nation in France. It opened up a career of public plunder in Ireland.

*Confiscation of the Land.*—The nobility of France, on the 4th and 12th August, 1789, willingly surrendered many of their rights and privileges, and at that time the rights of property and the justice of compensation were not quite forgotten.\* In words at least, they were at that time recognised, even more than they were in the Parliament of England upon the passing of the Land Act, 1881; but the rapacity of the people, and the necessities of the State, increased. The property of the Church was found insufficient to meet the demands. The appetite for plunder had been whetted, and the property of the landlords came next in succession. The first

\* *Ante*, p. 387.

struggle was to destroy their power in the States General; and their resistance to these attempts were made the excuse for outrages upon them. Many were driven by violence out of the country; and their absence was afterwards relied on as an evidence of their treason to the State, and an excuse for the confiscation of their property.

In Ireland, the Act of 1881 has robbed the landlords of more than half of the enjoyment and the reasonable privileges of ownership, and may rob them of from a quarter to a half of their rents. These have not been taken from a State necessity, nor applied to State purposes, as in France. They have been given in a manner likely to prove ten-fold more demoralising; they have been given to the class whose turbulence and crime were the only excuse for taking them from the landlords.

*The results so far have, unhappily, coincided with the similar fatal results in France.* What the future may be in Ireland no one can yet see. Let us at least endeavour, even now, to get wisdom, by tracing a little further the terrible consequences in France, and see how such can be best avoided.

The clergy and landowners were made, first, the enemies, and then the victims of the revolution. The transition is natural from the plunder of the property of a class, to attacks upon their liberty and their lives. The security of the plunderers, and their daily fear of a return of the plundered to power, will ever suggest to the former the necessity



of completely exterminating the latter. It was so with both clergy and landlords in France; it is too likely to be the same in Ireland. In the words of Alison,\* "No violent or unjustifiable proceeding can take place without ultimately recoiling on the nation that commits it.—From this may be dated that dissolution of private manners which extended with such rapidity during the progress of the Revolution."

The increase of agrarian outrages in Ireland from 301 in 1878 to 4,439 in 1881, shows with what fearful rapidity the same demoralisation has progressed in Ireland.†

The plunder and violence went on in France, and vast numbers of the nobility escaped from the country. A decree was passed on the 9th November, 1791, pronouncing the penalty of death, and confiscation of their estates, against all the *Noblesse* who had left France unless they returned before the 1st January following. And on the 11th November, 1791, a like decree was passed against the clergy "that they should instantly take the oath, or be deprived of their benefices, and declared *suspected* of treason against the State." The final catastrophe was thus brought near to hand. The Revolutionists were triumphant, but they could only retain their victory by finding fresh plunder to supply the cut-throat outcasts by whose violence and terror they

\* Alison I., 766.

† *Ibid.*, pp. 424-426.

maintained their power. The bishops and clergy and nobility were everywhere cast into prison. The fear that always haunts the usurper and the robber continually pressed for their execution. From day to day the fearful process went on ; the mock trials ; the proof of treason to the revolution ; the execution of the victims and the confiscation of all remnant of their properties. At last, on the 2nd September, 1792, the raging populace, demoralised and debauched by the unrestricted license, by the public plunder of the Church, and of landlords, proceeded to the prisons to reek their vengeance upon the victims whom they had plundered. To be, or to be accused of being an aristocrat, or a priest, was sufficient evidence of treason to the new order of things, and so the blood-thirsty leaders, with the sanction of the municipality of Paris, entered the prisons, which were full of priests and nobles, and dragged out the victims for the murderous sport of the multitude to slay them in the streets. In the prison of " Carmes alone 200 clergy were assembled ; in the midst of them was the Archbishop of Arles, venerable for his years and his virtues, and also several other prelates. All were murdered in the prison." " Above 1,100 persons perished in the different prisons of Paris during these massacres, which continued with no interruption from the 2nd to the 6th September, 1792."\*

\* Alison I., 1012.

at the same time in many other towns of France. During the two years and a half 3,753 persons suffered death from violence.\* The National Assembly which, in 1789 and 1790, carried out their confiscations of property to appease the people, was soon not more secure than those whom they had plundered, or whom, in folly and weakness, they had sacrificed. Marat, in his Journal at that time, declared that "the Revolution would retrograde unless 200,000 heads fell, and he designated 400 members of the Assembly as the first to be sacrificed to the vengeance of the people, and the temper displayed at the municipality evinced clearly that they would not hesitate to carry these suggestions into effect."†

The authors of these barbarities were endeavouring to secure a perpetuation of their power by a continued distribution of public plunder. But the appetite for plunder so rapidly increased that a fresh slaughter of the nobles and a confiscation of their lands were continually necessary to supply the drain. In the three years to September, 1792, the sum of £130,000,000, sterling, had been raised by *assignats*, secured upon the confiscated estates then amounting to two-thirds of all France. A great part of these enormous sums had been distributed among the mobs of Paris and the other great cities; among some of them under the name of a suddenly

\* Alison, Vol. i., p. 854.

† *Ib.* 1022.

improvised national guard, among others as members of the thousands of revolutionary committees; and much of it among the executive agents of these committees. At one time the bloodthirsty ruffians who were dragging the priests and nobles from the prisons and slaughtering them in the streets were receiving five francs a day for the work performed.

These sad events are now referred to, only that we may learn from them the lessons which they teach, and be wise in time. They prove as a matter of historic truth, that the greater the distribution of public plunder among the people, the more their demoralization and violence increased—that as these increased, the necessity for keeping in pay more guards, soldiers, and police, also increased; the financial difficulties of the State increased, and the revenues decreased. Each fresh distribution but whetted the insatiable appetite for more, and made fresh confiscations an absolute necessity. This, in turn, almost rendered necessary a continuance of the legal murder of the owners of property, in order to supply the lands to be confiscated. The most popular and powerful of the leaders soon became the slaves of the mob of revolutionists which they had to keep in pay, and could continue their power only by finding fresh victims and fresh plunder. On the 20th of June, 1792, the cup was full. A mob of 10,000 cutthroats, who had been in the pay of some of the leaders of

the Assembly, broke into the Assembly itself, and then into the King's Palace.\* On the 10th August, 1792, the Assembly pronounced the dethronement of the King. On the 15th of January following they condemned him to death, and on the 21st of the same month he was executed.

Such was the sad fate of one of the best of sovereigns, one who loved his people and trusted them to the utmost, but who unwisely sought to govern upon the principle that "force is no remedy." He trembled at shedding blood in defence of law and order, but forgot that there may be a tyranny of the multitude more terrible than any tyranny of the monarch; that liberty without wisdom and virtue is the worst of evils; that it may be folly, vice, and madness, without tuition or restraint. "When those who should be the leaders of the nation become bidders at the auction of popularity, they soon degenerate into mere flatterers instead of legislators—mere instruments of the people, perhaps of the most selfish and violent of the people, instead of their rulers and their guides."† Such were the fearful results in France of a policy of confiscation, and state bribery, The like results, only as yet in a less degree, have followed a like policy in Ireland. The distribution of rent reductions, likely to amount to three or four millions, among the farmers, at whose instance

\* Alison I., pp. 968, 1027.

† See Burke on the French Revolution, p. 353.

agrarian outrages have been committed during the past two years, is a policy of exactly the same kind. It is a policy which in all ages has led, in a greater or less degree, to anarchy and bloodshed.

These horrible tragedies were enacted upon the world's stage not a hundred years ago. The progress of civilization is but a weak barrier against them. They were rehearsed again to some extent by the Commune of Paris in 1870. They have been here referred to at some length, because they appear in many respects to have originated from the same causes, to have been the outcome of the same principles, and to have been brought about by the same folly and weakness which have been operating in Ireland for the last two years. The presence of a well-armed and faithful police has, so far, prevented open outbreaks, such as desolated France, but the fearful catalogue of isolated crimes and outrages which has disgraced our civilization, has brought us far upon the road towards a like bloody revolution. The executive authority for the punishment of crime has been as dead in Ireland for the last two years as it was in France up to 1791. The undiscovered perpetrators of these crimes, and the secret conclave of conspirators whose orders they have executed, still stalk through the land; and every humble, honest tenant, and every truthful witness that could give evidence, cower, and shrink, and hide themselves in presence of the villainy that reigns triumphant, and whose orders it is death to disobey.

The close analogy between the first *beginnings* of evil in France, and the first *beginnings* here, should at last awaken those weak and temporizing English and Irish statesmen, who are imperilling the country for political power, to the reality of the danger and the nearness of the terrible precipice to which they have been steadily advancing. They have openly boasted of banishing to another planet some of the fundamental principles upon which civil society must rest, and which have been ever inculcated by the laws alike of God and man as the first necessities of civilized life. It has been shewn how confiscation and the gifts of public plunder completed their terrible work in France, and how they have been producing exactly the like effects in Ireland. The country trembles in the balance, and looks for the hand of a statesman to grasp the difficulties of her situation, to lead her back into the path of safety, and protect her from a like terrible ruin.

“Catholic France” had many aids, which Ireland has not, to avert the impending danger. She had the aid of a Hierarchy and a Priesthood, with all the influence and the authority of a Church purporting to wield those weapons of temporal and eternal punishment which so powerfully sway the minds of men—a Church which, while mindful of its higher duty, was, by its own large possessions, at once bound to the support of property and order, and lifted above the influence and power of

the masses to be controlled. The people of France were homogeneous, her rulers were of her own blood and her own choosing. No sting of wounded nationality, no antipathy of race or of religion were there to feed the fires of disorder, discontent, and rebellion against authority; yet we see the ruin that was wrought by a few years of persistent confiscation, legalized public plunder, abandonment of executive authority, and misguided concession to turbulence and violence similar to what we have witnessed in Ireland.

"Catholic Ireland" has also a Hierarchy and a Priesthood wielding among the mass of the people of three of the four provinces the like authority as in France; but, for want of property, they are depending in a great measure for support upon the masses whom they are expected to control. The people of these provinces look upon their rulers as aliens in blood, language, and religion. The bitterness of wounded nationality and religious animosity perpetually feed the fires of discontent, and make the smallest exercise of government irksome and distasteful. The very land itself is to a large extent owned by the representatives of one race, and occupied by the representatives of another. This is the magazine of terrible explosives into which an infatuated political party have for some years been flinging the very firebrands by which the conflagration in France was kindled.

May it be hoped that a study of this parallel may




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The ancient Roman method of grasping imperial power may be more direct and gross; for there the individual first possessed himself of the plunder and afterwards distributed it; whereas the modern ambition seeks its supporters by transferring the property from the few who are to be plundered to the many who are to be bribed. But the latest method, though glossed over with the refinement of civilization, appears the more debasing and demoralizing to the nation. In the former case, the would-be emperor alone is chargeable with the plunder—the recipients take only the gratuitous gifts; whereas in the latter case, every tenant must feel in himself the taint of breaking his contract and possessing himself of what belongs to another. In the former case, one alone defeats justice, robs others, and, for a time, escapes from punishment. In the latter, universal plunder is sanctioned and legalised by an unjust law.

The Emperor Commodus for thirteen years maintained by such plunder and bribery a bloody, debauched, and infamous reign, until, upon his being privately murdered, the senate and the nation, for a brief period, aroused itself, and endeavoured to maintain the virtuous Pertinax as his successor. But the corrupted soldiery and the licentious followers of the court were not to be baffled of their accustomed gains, or deprived of “the liberal donative, which since the elevation of Claudius,



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instantly thrown open to the purchaser ; he was declared emperor, and received the oath of allegiance from the soldiers." The Roman Senate soon after approved the bargain of the soldiers, and confirmed their choice. The world was shocked at the degeneracy of Rome, and historians for 1,500 years have pointed to the occurrence as proof of a fatal gangrene in the heart of the great empire, from which it was impossible for it to recover. The gangrene, as is natural in all ages, spread just as the demoralization in Ireland by like gifts is now spreading. The successful purchase by Julian at once raised up many competitors. The Governor of Britain harangued his legions, and asked them to establish him in the Consulate of Rome, and they expected their reward. Niger, the Governor of Syria, was invited by the legions of Asia to assume the Imperial purple, and they expected their reward. But the Panonian Army, recruited on the banks of the Danube, was led by Severus, a more ambitious and determined spirit, who came directly to the point. He addressed his troops, and told them his desire to ascend the Imperial Throne, and concluded by "promising every soldier about four hundred pounds sterling (£400) ; an honourable donative, double in value to the infamous bribe with which Julian had purchased the empire."\* Within sixty-six days after the infamous purchase by Julian he was

\* Gibbon's Roman Empire, I., 68.

assassinated. Severus arrived in Rome with his army, and was proclaimed emperor for the price that he had promised. These struggles for the support of the citizen-soldiers, in order to ascend the throne of the Roman Empire, may be somewhat different from the struggle for a like support of the people, in order to attain or keep the office of Prime Minister in the British Empire; but if the means adopted in each case are the same, the degrading and demoralizing influence upon the nation must in both cases be alike.

When Sulpicianus offered the Prætorian Guards £160 a man, he was outbid by Julian at £200. While the Radical Government of England offer the Irish electors, through their Act of 1881, a fixity of tenure and free sale, valued at £100,000,000, and an abatement of their rents "of 20, 40, or 60 per cent. through our Commissioners,"\* an abatement which may amount to some three or four million pounds a year, Mr. Parnell and his followers promise an abatement of ten or twelve millions a year, and a transfer of the freehold of the soil from the landlords to the tenant—giving the former some small compensation from the State.† The offer by Mr. Parnell of this gigantic bribe has flowed as necessarily and as certainly, from the former more limited offer of Government, as the larger offer of Julian for the Imperial throne flowed from the

\* See *ante*, p. 359.

† See *ante*, pp. 347-349.

more limited offer of Sulpicianus. Government, still uncertain of the acceptance of their terms, are already increasing their offer. Demesnes lands and leases, which were left untouched by the Act of 1881, are now threatened.\* Arrears of rent which were not struck off are mentioned as likely to be dealt with. No one can tell how soon the insatiate ambition to rule may develop another powerful Severus, who will double the offer of the present Government, and find sufficient rapacious greed among the people to enable them to assume the reigns of power.

*There is no limit to the corruption when the gifts are obtained by the plunder of a class.*—In the contest for the Imperial purple there was some apparent limit to the amount of the bribes to be offered, and the consequent extent of the corruption; for, at first, the bribes had to be paid out of the private fortune of him who sought the throne. But in this new contest for the supreme and autocratic political power of party, there is no such limit. When the refined hypocrisy of civilization can sanction the bribing of the numerous class upon whose votes that political power depends, by transferring to them the property of another

\* While these pages were in the press a Bill was introduced with the name of Mr. Parnell, though still in prison, requiring further confiscation in this direction. See Appendix, "Mr. Parnell's Bill of 1882." And see *post* p. 470.

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Edmund Burke, was therefore proud of the Constitution of his country, and of the historic fame of her Parliament. Under it he believed that the lives and the properties of her people would ever remain inviolate. He, therefore, boldly attacked the acts of the French Assembly, which, at that time had not proceeded further than confiscating the tithes of the clergy and the feudal rights of the *Noblesse*. In his appeal to a member of that Assembly he says :—"What vestiges of liberty or property have they left? The tenant-right of a cabbage-garden, a yearly interest in a hovel, the good-will of an ale-house, or a baker's shop, the very shadow of a constructive property, are more ceremoniously treated in our Parliament, than with you the oldest and most valuable landed possessions, in the hands of the most respectable personages; or than the whole body of the monied and commercial interest of your country. We entertain a high opinion of the legislative authority; but we never dreamt that Parliaments *had any right whatever to violate property, to overrule prescription*, or to force a currency of their own fiction in the place of that which is real and recognised by the law of nations, . . . . . so that this legislative assembly of a free nation sits not for the security but for the destruction of property, and not of property only, but of every rule and maxim which can give it stability, and of those instruments which can alone give it circulation."\*

\* Burke on the French Revolution, pp. 224, 225.



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*M. Camus*, published by the National Assembly for their information, that things ill begun cannot avail themselves of prescription ;\* that the title of these lords was vicious in its origin, and that force is at least as bad as fraud. As to the title by succession, they will tell you that the *succession of those who have cultivated the soil is the true pedigree of property*, and not rotten parchments and silly substitutions ; that the Lords have enjoyed their usurpation too long ; and that if they allow these lay monks any charitable pensions, they ought to be thankful to the bounty of the true proprietor, who is so generous towards a false claimant to his goods."

"When the peasants give you back that coin of sophistic reason, on which you have set your image and superscription, you cry it down as base money, and tell them you will pay for the future with French guards and dragoons."†

The last speech made by Mr. Parnell at Wexford, immediately before his arrest, went to prove that the principles upon the land question which he had then and always advocated, were those adopted by Mr. Gladstone, and partially embodied in the Act of 1881. The coin issued by Mr. Parnell was, he asserted, the same which had the approving stamp of Mr. Gladstone, and yet for the continuance of its issue he and hundreds of others were arrested. The payment, as in France, was thenceforward made in dragoons and hussars.

\* See similar resolution of R. C. Bishop's in Ireland, *ante*, p. 138.

† Burke on French Revolution, p. 323.

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This coin is continually coming back to Government in a hundred different forms. Mr. O'Donnell, M.P., says the "No Rent Manifesto" is the "natural and logical consequence of the principle of Mr. Gladstone's No Rent Bill of 1880. Mr. Mr. Parnell says if he can be fairly called a "great robber," Mr. Gladstone was first, at least, a "little robber." The language of the extreme organ of the League, "United Ireland," on the 21st October, 1881, shortly before its suppression, was, perhaps, a liberal extension of the principles of the Act of 1881. It said—"Irish landlordism is a system of legalised plunder, by means of which a small number of *idle and wicked men* are enabled to rob the industrial classes of society of nearly all the fruits of their labour." Is it not, therefore, very likely that interested tenants would conclude that Parliament would not have transferred property to the value of many millions from the landlords to the tenants unless upon the grounds here stated, that "landlordism is legalised plunder." Is it not more likely that they should arrive at that conclusion, than that they should suppose that Parliament admitting the landlords to be the rightful owners, yet transferred the property from them without compensation, and thus became themselves the authors of the plunder. Most of those who have benefited by the plunder will readily acquit the Parliament of all injustice, because in so doing they will be acquitting themselves. But in

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have scrupled to abrogate the rents along with the titles and family ensigns. It would only be to follow up the principle of their reasoning and to complete the analogy of their conduct."

These quotations have been given at length, because every word of warning which they contain is applicable to the present condition of affairs in Ireland. The confiscation of rights here was the same as in France, only much more sweeping than anything which had there taken place up to that time. The principles upon which they were advocated were the same. The prophetic mind of that great statesman pointed out the terrible evils likely to follow from such principles, and within two years from the time when he wrote, his worst fears were realized by the anarchy and bloodshed referred to. Let English statesmen therefore, be forewarned. If the like evils are to be averted in Ireland, it must be by the firm maintenance and enforcement of the rights that have been left to landlords, by maintaining a respect for existing law and executive authority, and by crushing out by any means that may be necessary, every attempt to break the law, and by declaring in the plainest terms upon all sides that confiscation must go no further.

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A SHORT review of the new system introduced into the use of the land in the investigation of a few to a deeper affecting the question of them a sounder one to the future of Ireland his labour has been

The matter of "Fair rent" length in Part I., as of interest, when some of the rental are being transferred from day to day to this attempt to fix the tract is unjust and unfair rent depends upon elements,\* that is,

perhaps very ill-informed will. No rents so fixed could be free from systematic repudiation and attack, deprived as they would be of the solid foundations of contract, mutual assent, and the rights of property.\* The reduction of rent, though a valuable gift to the present tenant, would soon be a grievous burden upon every future tenant, by imposing upon him the double burden of rent and purchase-money, a grievous rack-renting, which no legislation will be able to prevent.†

The subject of tenure has been considered in all its bearings in Part II. The widely-accepted excuse for Parliamentary interference, viz., that tenants are not free to contract,‡ has been shown to be unfounded in fact, and put forward with a total disregard to consistency or honesty.§ The common theory with those who never take the trouble to look beneath the surface, "That when there is so much discontent, there must be some real grievance," has been answered by tracing the origin of the demand for Fixity of Tenure to its real causes,|| partly political, as affected by the Parliamentary franchise in successive political struggles, and partly social and selfish.¶ It has been shown that it grew up naturally from these political causes, and from the existence of Tenant Right in Ulster, and the want of a *legal* security for Tenants' Improvements.\*\* But that when this

\* *Ante*, p. 43.

† *Ante*, p. 73.

‡ *Ante*, p. 98.

§ *Ante*, p. 114.

|| *Ante*, p. 117.

¶ *Ante*, p. 125.

\*\* *Ante*, p. 129.



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1874,\* but broke forth again with redoubled force in 1880, when the authors of Confiscation returned to power.†

The reiterated accusations against the Irish landlords, "that they have been guilty of harsh and oppressive conduct," and the repeated assertions as to the number and nature of the evictions of their tenants, have been closely examined by the light of ascertained facts, and proved to be utterly groundless.‡ In answer to the assertions that there was no Security of Tenure, and no Security for Tenants' Improvements, it has been shown that the permanency of tenure in Ireland, if measured by the number of actual evictions other than for non-payment of rent, amounted to a tenure of 1,000 years;§ and if measured by the disturbance of even an eviction for non-payment of rent, amounted to a tenure of 200 years,¶ in other words, that not one tenant in a thousand is put out if he pays his rent; and yet these accusations and false assertions have been alleged as the grounds for confiscating the landlords' property.

In Part III. has been pointed out the Demoralization and Danger, social and political, likely to follow from such misguided legislation and perversion of sound principles.

The theory of a "Magic of Property," pretended to be conferred upon the tenant by the confiscation

\* *Ante*, p. 150. † *Ante*, p. 325. ‡ *Ante*, p. 214. § *Ante*, p. 256.

¶ *Ante*, p. 241.

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He said, “There will be  
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almost every day. The

development in Ireland of this Communism has been traced to the introduction of the Disturbance Bill in 1880, and the confiscating Land Act of 1881. It flourished under the able guidance of the Land League leaders, and with the connivance of Government.\* The means adopted have been referred to; the permitted public meetings, the communistic speeches, the threats and terrorism, the Irish Convention,† the No-Rent Manifesto,‡ the mock coercion,§ and the real abdication of the functions of Government, and then the sad catalogue of results; the hundreds of murders, and shooting at with intent to murder; the thousands of incendiary fires and attacking dwellings, and other agrarian outrages; and all this ending in the solemn declaration of Bishop Nulty, "That the land question only commenced with the Act of 1881."¶

The Act of 1881 has been examined by the guides of Political Economy, Public Morality, Abstract Justice, and Practical Experience, and has been shown to be destructive of the Security of Property, corrupting to the Morals of the Nation, dangerous to the foundations of Civil Society,¶ and a special breach of National Faith with the purchasers of estates in the Landed Estates Court.\*\* It has been shown to be unjust†† to the landlords

\* *Ante*, pp. 152, 326, 358. † *Ante*, p. 344. ‡ *Ante*, p. 355, 365.

§ *Ante*, p. 335. ¶ *Ante*, p. 361. ¶¶ *Ante*, p. 372.

\*\* *Ante*, p. 381.

†† *Ante*, p. 389.

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\* *Ante*, p 403.

† *Ante*, p 403.

wholesale reduction of rents by 15 to 50 per cent.\* The moral and social effects at once produced have been already pointed out.† Its mere introduction enormously increased crime. Its having passed increased crime still more,‡ and led to an open determination in three provinces to pay no rent. Its administration is still increasing crime, and still in many places making the resistance to rent more bitter than ever.§

If these were merely crimes of private vengeance, or of ordinary resistance to the law, they might not carry such a dark foreboding with them; but they appear to have been, nearly all, crimes threatened beforehand, instigated and executed by a Political Conspiracy.”|| The startling analogy between these crimes and those by which the bloody French revolution of 1790-1792 was ushered in, have been pointed out.¶ The confiscation of a portion of the Church property first, and of a few of the rights of the *noblesse*, and its effects, the organized hunts, the murders and midnight attacks and incendiarisms, then the wholesale confiscation of the Church lands and the lands of the *noblesse*. Then the appetite for public plunder becoming unappeasable, and the authors of these confiscations seeking to perpetuate their power by continued

\* See Appendix, “Working of the Land Act.”

† *Ante*, p. 401.      ‡ *Ante*, pp. 355, 420.      § *Ante*, p. 425.

|| See this confirmed by some late revelations about Mr. Sheridan, the organizer of outrages. *Post*, p. 472.

¶ *Ante*, p. 430.

distribution of the property of fresh victims, until the lives of the owners were soon sacrificed in order to silence opposition, and then in France the Priest, the Landlord, the Noble, the King, and the Constitution sank together in a sea of blood.

The wholly demoralizing and dangerous effect of these gifts of public plunder has been still more emphasized by a reference to the darkest page in the history of the Roman Empire, when the Prætorian Guards, corrupted by like gifts—the “Imperial Donatives”—ran out upon the ramparts and publicly proclaimed that “the Roman World was to be disposed of to the best bidder.” It has been shown that even now, when the ink is hardly dry upon the Queen’s signature to the Act which has transferred some £100,000,000 of property as a bribe to the tenants, they are, with violence and threats of murder, demanding further “Donatives,” and threaten to hurl from power the party that refuses to increase the bribe. These bribes, as it has been pointed out, are now paid under the refined hypocrisy of civilization, by transferring the property of the few, who are powerless, to the many, who possess the whole political influence, and therefore there is no limit to the corruption.

The prophetic warning of Edmund Burke has been referred to, and with him we may exclaim, “What vestiges of liberty or property have been left?” Every valuable right of property in the landlord has been swept away. One-half of the

ownership, and at least a quarter of the rents, have been confiscated. The solid foundations of contract and ownership have been overturned. The minds of the masses have been made familiar with unpunished crime and outrage, and have been demoralized by confiscation and gifts of public plunder as the profitable results of turbulence. Up to the latest hour these concessions have only proved the seeds of a bloodstained harvest, such as the like concessions proved in France. The future is a dark and gloomy outlook, which none but a bold man could venture to forecast.

These observations cannot be better concluded than in the words of Lord Dufferin—"My only object has been to establish truth, and to advocate justice. The doctrine, that Ireland is to be saved by the sacrifice of the rights of property is a violation of both; and its application would only aggravate our existing difficulties."

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#### ADDENDA.

Just as these last pages are going to press there comes a sad and terrible confirmation of the views that have been advocated, a fearful warning of the dangers which this policy of plunder and weakness has brought upon the country. The Government had just entered upon a new career of concession, and had announced it in the House of Commons. They had released the members of



Parliament and Michael Davitt from prison, when, on the 6th of May, 1882, the Chief Secretary and Under Secretary for Ireland were assassinated. The facts are so startling as to this infatuated policy, that they must be stated.

It is now revealed that during the first week of April, a negotiation had actually been commenced between Mr. Gladstone and Mr. Parnell through Captain O'Shea, M.P., for a further confiscation of the landlords' property. Mr. Parnell was then allowed out of prison on the 9th April, on his parole for ten days, and the outcome of that negotiation was the Bill introduced to the House in the names of Messrs. Redmond, Parnell, Healy, Sexton, and M'Carthy, on the 26th April. It contained proposals for another vast confiscation.\*

The language of Mr. Gladstone in the debate is very remarkable, as indicating the total surren-

\* The substance of the Bill is as follows :—(1) That the judicial rent fixed by the Court should date from the day of the application (*so that for four or five years a tenant might not know what his rent would be, and as a consequence might in the meantime refuse to pay*). (2) That all proceedings to recover rent in such cases, should be suspended upon payment of such sum, not exceeding Griffith's valuation, as the Court should direct. (3) Clauses as to improvements for the purpose of securing the prairie valuation. (4) That leaseholders should be placed upon the same footing as to rent as tenants from year to year. (5) A clause as to arrears that, on the tenant paying a year's rent for 1881, the Court might pay another year's rent or half the antecedent arrears, and that all the rest should be wiped out; and that even though a tenant may have been evicted for non-payment long previously, the Court may treat him as not having been evicted.

der of Government to the Land League. He said the Bill was "*a frank expression on their (the Land League's) part of a desire to make the working of the Land Act, such as that it shall be, in their view an effectual security for the restoration of peace and tranquillity in Ireland. . . . It afforded the only means of restoring peace and prosperity in Ireland.*" He then proceeded to say that he could not quite accept the terms of the Bill, but would consider and deal with the clauses as to arrears and purchase. Mr. Healy, M.P., also spoke, and declared that "the measure before the House was the smallest one which the Irish party would be satisfied with." It afterwards appeared that Mr. Parnell, having received the public promise of further concession, wrote from Kilmainham to Captain O'Shea, a letter dated April 28th, to be shown to one of the Ministry, stating that any proposal to settle arrears of rent by a loan "should be absolutely rejected;" but if it was done by gift, and his programme adopted, "*then the exertions which we should be able to make, strenuously and unremittingly, would be effective aid in stopping outrages and intimidation of all kinds;*" and it would "enable us to co-operate cordially for the future with the Liberal party in forwarding Liberal principles." Capt. O'Shea had had an interview with Mr. Parnell in Kilmainham, and the letter was written. Capt. O'Shea also detailed the result of that interview to Mr. Forster.\*

\* See Appendix, Mr. Forster's note of the interview.

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same evening, Mr. Cowen, M.P., gave notice of asking about the release of Michael Davitt.

On May 4th, Mr. Forster stated in the House the reasons for his resignation—viz., the release of the prisoners without any security for peace or order in Ireland. He said they had been arrested under this Act upon “reasonable suspicion of crimes punishable by law.” Mr. Parnell and Mr. O’Kelly “for treasonable practices,” Mr. Dillon “for intimidation,” and that he could only consent to their release upon one of three conditions, none of which had been fulfilled: 1st. “That there should be a public promise upon their part that under no circumstances would they aid or abet, or instigate intimidation: or 2nd, That Ireland should be quiet; or 3rd, That there should have been an acquisition of fresh powers by the Government.” And he had resigned because he would not take the responsibility of their release. Then in the most solemn manner he warned the Government “not to try to buy obedience to the law by concessions to those who disobey the law.” On the same evening the release of Michael Davitt, upon the same grounds, was promised by the Home Secretary.

Before referring to the last catastrophe, it will be well to see how this new departure upon the lines of a further confiscation was received. At a meeting in Belfast, held on May 5th, presided over by the Rev. J. P. O’Boyle, parish priest,

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Radical newspapers accepted the concession somewhat in the same spirit, but spoke in more measured language.

On May 6th Earl Spencer as Lord Lieutenant, and Lord Frederick Cavendish, as Chief Secretary, made their public entry into Dublin, amid apparent rejoicings, to carry out this new and advanced policy of concession. The three members of Parliament had been released—Michael Davitt had been released that very day from the convict's cell. Lord Frederick Cavendish (it was said), applied his first hours on arrival at his office, in going over the list of the other suspects, some 350, and seeing how many more it would be possible to release. The promises of further confiscation, and of enormous bribes from the public purse had been officially announced in Parliament by the Prime Minister. Mr. Parnell and his followers had promised to support the Liberal party, and nothing but congratulations were to be heard abroad. But the demon of outrage, which had so long been the ally of these parties, was not to be so quickly laid. On that same evening, about half-past seven o'clock, as Lord Frederick Cavendish and Mr. Thomas Burke, the Under-Secretary, were walking together in the Phoenix Park, opposite to the Viceregal Lodge, and almost within view of its windows, they were followed by four men with daggers, on an outside car, were

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## APPENDIX A.

### THE ACT.\*

44 & 45 VICT., CAP. 49.

*An Act to further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto.* [22nd August, 1881.] A.D. 1881.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

### PART I.

#### ORDINARY CONDITIONS OF TENANCIES.

1. The tenant for the time being of every holding, not hereinafter specially excepted from the provisions of this Act, may sell his tenancy for the best price that can be got for the same, subject to the following regulations and subject also to the provisions in this Act contained with respect to the sale of a tenancy subject to statutory conditions :

- (1.) Except with the consent of the landlord, the sale shall be made to one person only :
- (2.) The tenant shall give the prescribed notice to the landlord of his intention to sell his tenancy :
- (3.) On receiving such notice the landlord may purchase the tenancy for such sum as may be agreed upon, or in the event of disagreement may be ascertained by the court to be the true value thereof :
- (4.) Where the tenant shall agree to sell his tenancy to some other person than the landlord, he shall, upon informing the landlord of the name of the purchaser, state in writing therewith the consideration agreed to be given for the tenancy :
- (5.) If the tenant fails to give the landlord the notice or information required by the foregoing sub-sections,

\* Referred to, *ante*, p. 466.



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- (9.) Where a tenant sells his tenancy to any person other than the landlord, the landlord may at any time within the prescribed period give notice both to the outgoing tenant and to the purchaser of any sums which he may claim from the outgoing tenant for arrears of rent or other breaches of the contract or conditions of tenancy. And

SEC. 1.

(a.) If the outgoing tenant does not within the prescribed period give notice to the purchaser that he disputes such claims or any of them, the purchaser shall out of the purchase moneys pay the full amount thereof to the landlord ; and

(b.) If the outgoing tenant disputes such claims or any of them, the purchaser shall out of the purchase moneys pay to the landlord so much (if any) of such claims as the outgoing tenant admits, and pay the residue of the amount claimed by the landlord into court in the prescribed manner.

Until the purchaser has satisfied the requirements of this sub-section, it shall not be obligatory on the landlord to accept the purchaser as his tenant :

- (10.) Where any purchase money has been paid into court it shall be lawful for the landlord and also for the outgoing tenant and for the purchaser respectively to make applications to the court in respect of such purchase money ; and the court shall hear and determine such applications, and make such order or orders thereupon as to the court may seem just :
- (11.) A tenant who has sold his tenancy on any occasion of quitting his holding shall not be entitled on the same occasion to receive compensation for either disturbance or improvements ; and a tenant who has received compensation for either disturbance or improvements on any occasion of quitting his holding shall not be entitled on the same occasion to sell his tenancy :
- (12.) The tenant of a holding subject to the Ulster tenant-right custom or to a usage corresponding to the Ulster tenant-right custom may sell his tenancy either in pursuance of that custom or usage, or in pursuance of this section, but he shall not be entitled to sell partly under the custom or usage and partly under the provisions of this section :
- (13.) If the tenant of a tenancy subject to the Ulster tenant-right custom or to a usage corresponding to the Ulster tenant-right custom sells his tenancy in pursuance of this section, the tenancy, unless pur-

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nominating some one of the legatees or persons entitled under the Statutes of Distribution to his personal estate, to succeed to the tenancy, such person shall have the same claim to be accepted by the landlord as if the tenancy had been sold to him by the testator or intestate, and in default of such notice the personal representatives shall, if the landlord requires a sale to be made, within twelve months after the death of the tenant sell the tenancy, and in case of their default the landlord may sell the same under the direction of the court.

SEC. 4.

Where the tenant of a tenancy dies intestate and without leaving any person entitled to his personal estate, or any part thereof, such tenancy shall pass to the landlord, subject, however, to the debts and liabilities of the deceased tenant.

4. Where the landlord demands an increase of rent from the tenant of a present tenancy (except where he is authorised by the court to increase the same as hereafter in this Act mentioned) or demands an increase of rent from the tenant of a future tenancy beyond the amount fixed at the beginning of such tenancy, then,

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price on sale.

(1.) Where the tenant accepts such increase, until the expiration of a term of fifteen years from the time when such increase was made (in this Act referred to as a statutory term) such tenancy shall (if it so long continues to subsist) be deemed to be a tenancy subject to statutory conditions, with such incidents during the continuance of the said term as are in this Act in that behalf mentioned :

(2.) Where the tenant of any future tenancy does not accept such increase and sells his tenancy, the same shall be sold subject to the increased rent, and in addition to the price paid for the tenancy he shall be entitled to receive from his landlord the amount (if any) by which the court may, on the application of the landlord or tenant, decide the selling value of his tenancy to have been depreciated below the amount which would have been such selling value if the rent had been a fair rent, together with such further sum (if any) as the court may award in respect of his costs and expenses in effecting such sale :

(3.) Where the tenant does not accept such increase and is compelled to quit the tenancy by or in pursuance of a notice to quit, but does not sell the tenancy, he shall be entitled to claim compensation as in the case of disturbance by the landlord :

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SEC. 5.

Opening or making roads, fences, drains, and watercourses ;

Passing and re-passing to and from the sea shore with or without horses and carriages for exercising any right of property or royal franchise belonging to the landlord ;

Viewing or examining at reasonable times the state of the holding and all buildings or improvements thereon ;

Hunting, shooting, fishing, or taking game or fish, and if the landlord at the commencement of the statutory term so requires, then as between the landlord and tenant the right of shooting and taking game, and of fishing and taking fish shall belong exclusively to the landlord, subject to the provisions of the Ground Game Act, 1880, <sup>43 & 44 Vict c. 47.</sup> and the provisions of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty-seven, shall extend where such right of shooting and taking game belong exclusively to the landlord, as though such exclusive right were reserved by the landlord to himself by deed. The word "game" for the purposes of this subsection means hares, rabbits, pheasants, partridges, quails, landrails, grouse, woodcock, snipe, wild duck, widgeon, and teal ;

And the tenant shall not persistently obstruct the landlord, or any person or persons authorised by him in that behalf as aforesaid, in the exercise of any right conferred by this sub-section.

During the continuance of a statutory term, all mines and minerals, coals and coal pits, subject to such rights in respect thereof as the tenant, under the contract of tenancy subsisting immediately before the commencement of the statutory term, was lawfully entitled to exercise, shall be deemed to be exclusively reserved to the landlord ;

(6.) The tenant shall not on his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors.

Nothing contained in this section shall prejudice or affect any ejectment for nonpayment of rent instituted by a landlord whether before or after the commencement of a

SEC. 6. statutory term, in respect of rent accrued due for a holding before the commencement of such term.

During the continuance of a statutory term in a tenancy, save as hereinafter provided, the court may, on the application of the landlord, and upon being satisfied that he is desirous of resuming the holding or part thereof for some reasonable and sufficient purpose having relation to the good of the holding or of the estate, including the use of the ground as building ground, or for the benefit of the labourers in respect of cottages, gardens, or allotments, or for the purpose of making grants or leases of sites for churches or other places of religious worship, schools, dispensaries, or clergymen's or schoolmasters' residences, authorise the resumption thereof by the landlord upon such conditions as the court may think fit, and require the tenant to sell his tenancy in the whole or such part to the landlord upon such terms as may be approved by the court, including full compensation to the tenant.

Provided that the rent of any holding subject to statutory conditions may be increased in respect of capital laid out by the landlord under agreement with the tenant to such an amount as may be agreed upon between the landlord and tenant.

#### *Amendment of Law as to Compensation for Disturbance.*

Repeal of  
33 & 34 Vict.  
c. 46, s. 3 (in  
part) and  
s. 13.

6. There shall be repealed so much of section three of the Landlord and Tenant (Ireland) Act, 1870, as provides for the scale of compensation, and so much of the same section as declares that in no case shall the compensation exceed the sum of two hundred and fifty pounds, and so much of the same section as declares that a tenant in a higher class of the scale may at his option claim compensation under a lower class, and so much of the same section as prohibits tenants of holdings valued at such sums as are in the said section mentioned, and making such claims for compensation for disturbance as are in the said section mentioned, from being entitled to make separate or additional claims for improvements other than permanent buildings and reclamation of waste land, and the said section three shall hereafter be read as if from such section were omitted the words "for the loss which the court shall find to be sustained by him by reason of quitting his holding," so that the said section shall be read as providing that the tenant therein mentioned shall be entitled to such compensation as the court, in view of all the circum-

stances of the case, shall think just, subject to the scale of compensation hereinafter mentioned. SEC. 7.

The compensation payable under the said section three in the case of a tenant disturbed in his holding by the act of a landlord after the passing of this Act shall be as follows in the case of holdings—

Where the rent is thirty pounds or under, a sum not exceeding seven years' rent :

Where the rent is above thirty pounds and not exceeding fifty pounds, a sum not exceeding five years' rent :

Where the rent is above fifty pounds and not exceeding one hundred pounds, a sum not exceeding four years' rent :

Where the rent is above one hundred pounds and not exceeding three hundred pounds, a sum not exceeding three years' rent :

Where the rent is above three hundred pounds and not exceeding five hundred pounds, a sum not exceeding two years' rent ;

Where the rent is above five hundred pounds a sum not exceeding one year's rent.

Any tenant in a higher class of the scale may, at his option, claim compensation under a lower class, provided such compensation shall not exceed the sum to which he would be entitled under such lower class on the assumption that the rent of his holding was reduced to the sum (or where two sums are mentioned, the higher sum) stated in such lower class.

From and after the passing of this Act the thirteenth section of the Landlord and Tenant (Ireland) Act, 1870, shall be and the same is hereby repealed.

#### *Amendment of Law as to Compensation for Improvements.*

7. A tenant on quitting the holding of which he is tenant shall not be deprived of his right to receive compensation for improvements under the Landlord and Tenant (Ireland) Act, 1870, by reason only of the determination by surrender or otherwise of the tenancy subsisting at the time when such improvements were made by such tenant or his predecessors in title, and the acceptance by him or them of a new tenancy.

Amendment of 33 & 34 Vict., c 46, as to compensation for improvements.

Where in tracing a title for the purpose of obtaining compensation for improvements, it appears that an outgoing tenant has surrendered his tenancy in order that



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and having the same incidents as a tenancy subject to statutory conditions consequent on an increase of rent by a landlord, with this modification, that, during the statutory term in a present tenancy consequent on the first determination of a judicial rent of that tenancy by the court, application by the landlord to authorise the resumption of the holding or part thereof by him for some purpose having relation to the good of the holding or of the estate, shall not be entertained by the court, unless—

SEC. 2.  
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(a.) Such present tenancy has arisen at the expiration of a judicial lease, or of a lease existing at the time of the passing of this Act, and originally made for a term of not less than thirty-one years; or

(b.) It is proved to the satisfaction of the court that before the passing of this Act the reversion expectant on the determination of a lease of the holding was purchased by the landlord or his predecessors in title with the view of letting or otherwise disposing of the land for building purposes on the determination of such lease, and that it is bona fide required by him for such purpose.

(4.) Where an application is made to the court under this section in respect of any tenancy, the court may, if it think fit, disallow such application where the court is satisfied that on the holding in which such tenancy subsists the permanent improvements in respect of which, if made by the tenant or his predecessors in title, the tenant would have been entitled to compensation under the provisions of the Landlord and Tenant (Ireland) Act, 1870, as amended by this Act, have been made by the landlord or his predecessors in title, and have been substantially maintained by the landlord and his predecessors in title, and not made or acquired by the tenant or his predecessors in title.

(5.) On the occasion of any application being made to the court under this section to fix a judicial rent in respect of any holding which is not subject to the Ulster tenant-right custom, or an usage corresponding to the Ulster tenant-right custom, the landlord and tenant may agree to fix, or in the case of dispute the court may fix, on the application of either landlord or tenant, a specified value for the tenancy; and, where such value has been fixed, then if at any time during the continuance of the statutory term the tenant gives notice to the landlord of his intention to sell the tenancy, the landlord may purchase the tenancy on payment to the tenant of the amount of the value so fixed, together with the value of any improvements made

SEC. 9. — by the tenant since the time at which such value was fixed, but subject to deduction in respect of any damage caused by dilapidation of buildings or deterioration of soil since the time at which the value was so fixed.

(6.) Subject to rules made under this Act, the landlord and tenant of any present tenancy to which this Act applies, may, at any time if such tenancy is not subject to a statutory term, or if the tenancy is subject to a statutory term, then may, during the last twelve months of such term, by writing under their hands, agree and declare what is then the fair rent of the holding; and such agreement and declaration on being filed in court in the prescribed manner, shall have the same effect and consequences in all respects as if the rent so agreed on were a judicial rent fixed by the court under the provisions of this Act.

(7.) A further statutory term shall not commence until the expiration of a preceding statutory term, and an alteration of judicial rent shall not take place at less intervals than fifteen years.

(8.) During the currency of a statutory term, an application to the court to determine a judicial rent shall not be made except during the last twelve months of the current statutory term.

(9.) No rent shall be allowed or made payable in any proceedings under this Act in respect of improvements made by the tenant or his predecessors in title, and for which, in the opinion of the court, the tenant or his predecessors in title shall not have been paid or otherwise compensated by the landlord or his predecessors in title.

(10.) The amount of money or money's worth that may have been paid or given for the tenancy of any holding by a tenant or his predecessors in title, otherwise than to the landlord or his predecessors in title, shall not of itself, apart from other considerations, be deemed to be a ground for reducing or increasing the rent of such holding.

Equities to be administered by Court between landlord and tenant.

9. Where the court, on the hearing of an application of either landlord or tenant respecting any matter under this Act, is of opinion that the conduct of either landlord or tenant has been unreasonable, or that the one has unreasonably refused any proposal made by the other, the court may do as follows:

It may refuse to accede to the application, or may accede to the same, subject to conditions to be performed by either landlord or tenant, or may impose on either party to the application the payment of the costs or the greater part of

the costs of any proceedings, and generally may make such order in the matter as the court thinks most consistent with justice.

SEC. 10.  
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### PART III.

#### EXCLUSION OF ACT BY AGREEMENT.

##### *Judicial Leases.*

10. The landlord and tenant of any ordinary tenancy and the landlord and proposed tenant of any holding to which this Act applies which is not subject to a subsisting tenancy, may agree, the one to grant and the other to accept a lease for a term of thirty-one years or upwards (in this Act referred to as a judicial lease), on such conditions and containing such provisions as the parties to such lease may mutually agree upon, and such lease, if sanctioned by the court, after considering the interest of the tenant, and where such lease is made by a limited owner, the interest of all persons entitled to any estate or interest in the holding subsequent to the estate or interest of such limited owner, shall be deemed to be substituted for the former tenancy, if any, in the holding; and the tenancy shall during the continuance of such lease be regulated by the provisions of that lease alone, and shall not be deemed to be a tenancy to which this Act applies.

Lease approved by Court during its continuance to exclude provisions of the Act.

At the expiration of a judicial lease made to the tenant of a present tenancy and for a term not exceeding sixty years the lessee shall be deemed to be a tenant of a present ordinary tenancy from year to year at the rent and subject to the conditions of the lease, so far as such conditions are applicable to such tenancy.

##### *Fixed Tenancies.*

11. The landlord and tenant of any tenancy may agree that such tenancy shall become a fixed tenancy within the meaning of this Act, and such fixed tenancy upon being established shall be substituted for the tenancy previously existing in the holding, and shall not be deemed to be a tenancy to which this Act applies.

Present ordinary tenancy converted into fixed tenancy.

12. A fixed tenancy shall be a tenancy held upon such conditions as may be agreed upon between the landlord and tenant establishing such tenancy, and in the case of a landlord who is a limited owner the court shall approve

Conditions of fixed tenancy.

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#### PROVISIONS

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the court may direct, enlarge the time during which the tenant may exercise his power of sale, or in case of ejectment for nonpayment of rent redeem the tenancy.

(3) Where any proceedings for compelling the tenant of a present tenancy to quit his holding shall have been taken before or after an application to fix a judicial rent and shall be pending before such application is disposed of, the court before which such proceedings are pending shall have power, on such terms and conditions as the court may direct, to postpone or suspend such proceedings until the termination of the proceedings on the application for such judicial rent; and the pendency of any such proceedings for compelling the tenant to quit his holding shall not interfere with the power of the court to fix such rent, or with any right of the tenant resulting from the rent being so fixed; and in such case any order made by the court for fixing the rent shall operate in the same manner as if such order had been made on the day of the date of the application.

Provided, that proceedings shall not be taken by a landlord to compel a tenant to quit his holding for breach of any statutory condition, save as follows:

- (a.) Where the condition broken is a condition relating to payment of rent, then by ejectment subject to the provisions of the statutes relating to ejectment for nonpayment of rent; and
- (b.) Where the condition broken is any other statutory condition, then by ejectment founded on notice to quit.

(4) Where a notice to quit is served by a landlord upon a tenant for the purpose of compelling the tenant to quit his holding during the continuance of a statutory term in his tenancy in consequence of the breach by the tenant of any statutory condition other than the condition relating to payment of rent, the tenant may, at any time before the commencement of an ejectment founded on such notice to quit, apply to the land commission, and after the commencement, or at the hearing of any such ejectment, may apply to the court in which the ejectment is brought, for an order restraining the landlord from taking further proceedings to enforce such notice to quit.

If the land commission or court to which such application is made are of opinion that adequate satisfaction for the breach of such condition can be made by the payment of damages to the landlord, and that the tenant may justly be relieved from the liability to be compelled to quit his

**SEC. 4.** Nothing in consequence of such breach, the commission or court may make an order restraining further proceedings in the notice to quit upon the payment by the tenant of such sum for damages as they shall then, or after due inquiry, award to the landlord in satisfaction for the breach of the statutory condition, together with the costs incurred by the landlord in respect of the notice to quit and the proceedings subsequent thereto.

If the said commission or court are of opinion that no appreciable damage has accrued to the landlord from the breach of such condition, and that the tenant may justly be relieved as aforesaid, they may make an order restraining further proceedings in the notice to quit upon such terms as to costs as they may think just.

(5.) The service of a notice to quit to enforce which no proceedings are taken by the landlord, or the proceedings to enforce which are restrained by the court, shall not operate to determine the tenancy.

(6.) A tenant compelled to quit his holding during the continuance of a statutory term in his tenancy, in consequence of the breach by the tenant of any statutory condition, shall not be entitled to compensation for disturbance.

Limited administration for purposes of this

14. The court on being satisfied that the tenant of any holding within the jurisdiction of the court has died, and that the tenancy of such tenant ought to be sold under this Act, and that there is no legal personal representative of such tenant, or no legal personal representative whose services are available for the purpose of selling the tenancy, may, on such terms and conditions, if any, as they may think fit, appoint any proper person to be administrator of the deceased tenant, limited to the purposes of such sale, and such limited administrator shall, for the purpose of selling the tenancy, represent the deceased tenant in the same manner as if the tenant had died intestate, and administration had been duly granted to such limited administrator of all the personal estate and effects of the deceased tenant.

Such limited administrator shall pay to the landlord, out of the purchase money, any sums due to the landlord by the deceased tenant in respect of his tenancy, and may pay the residue of the purchase money to a general administrator (if any) or into court.

Provision for determination of estate

15. If in the case of any holding the estate of the immediate landlord for the time being is determined

during the continuance of any tenancy from year to year, whether subject or not subject to statutory conditions, the next superior landlord for the time being shall, for the purposes of this Act, during the continuance of such tenancy stand in the relation of immediate landlord to the tenant of the tenancy, and have the rights and be subject to the obligations of an immediate landlord.

SEC. 18.

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of immediate  
landlord.

16. A tenancy for a year certain created after the passing of this Act shall, for the purposes of this Act and of the Landlord and Tenant (Ireland) Act, 1870, be deemed to be a tenancy from year to year.

Provision as  
to certain  
small  
tenancies.

A tenant holding under a tenancy less than a yearly tenancy created after the passing of this Act shall have the same rights under this Act as a yearly tenant, except where land is let merely for temporary convenience or to meet a temporary necessity.

17. Where the tenant of a holding by virtue of his tenancy exercises, in common with other persons, over uninclosed land a right of pasturing or turning out cattle or other animals, or exercises a right of cutting and taking turf in common with other persons (which other persons, together with the tenant, are in this section referred to as commoners), then if such holding becomes subject to a statutory term the court may, during the continuance of such term, on the application of the landlord, or of any commoner, by order restrain the tenant from exercising his right of pasture or cutting or taking turf in any manner other than that in which it may be proved to the court that he is, under the circumstances and according to the ordinary usage which has prevailed with the express or implied consent of the landlord amongst the commoners, reasonably entitled to exercise the same.

Provision as  
to certain  
claims of  
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and turbary.

18. Any person prohibited under this Act from letting or subletting a holding may, after service of the prescribed notice upon the landlord, with the sanction of the court, and with power for the court to prescribe such terms as to rent and otherwise as the court thinks just, let any portion of land in a situation to be approved by the landlord, or failing such approval to be determined by the court, with or without dwelling-houses thereon to or for the use of labourers bona fide employed and required for the cultivation of the holding, and such letting shall not be deemed to be a subletting within the

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**20. A tenancy**  
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Rules as to  
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- (2.) Where the landlord has resumed possession of a tenancy from a present tenant, he may, if he thinks fit so to do, reinstate such tenant in his holding as a present tenant; and thereupon such tenancy shall again become subject to all the provisions of this Act which are applicable to present tenancies; SEC. 21.  
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Provided always, that the landlord and tenant may at the time of such reinstatement agree on the rent to be paid by such tenant, and in such case such agreement shall have the same effect as if the rent so agreed on were a judicial rent fixed by the court under the provisions of this Act;

- (3.) Where a present tenancy in a holding is purchased by the landlord from the tenant in exercise of his right of pre-emption under this Act, and not on the application or by the wish of the tenant, or as a bidder in the open market, then if the landlord within fifteen years from the passing of this Act re-lets the same holding to another tenant, the same shall be subject from and after the time when it has been so re-let, to all the provisions of this Act which are applicable to present tenancies;

- (4.) A tenant holding under the Ulster tenant-right custom, or a usage corresponding to the Ulster tenant-right custom, shall be entitled to the benefit of such custom, notwithstanding any determination of his tenancy by breach of a statutory condition, or of an act or default of the same character as the breach of a statutory condition.

Whenever a present tenancy is sold in consequence of a breach by the tenant, after the passing of this Act, of a statutory condition, or, in the case of a tenancy not subject to statutory conditions, of an act or default on the part of a tenant, after the passing of this Act, which would, in a tenancy subject to such conditions, have constituted a breach thereof, the purchaser or his successors in title in such tenancy shall not at any time thereafter be entitled to apply to the court under this Act to fix a judicial rent for the holding; but this provision shall not prejudice or affect the right of such purchaser or his successors to hold at such judicial rent during the residue of such statutory term, if any, as the holding may then be subject to, under the provisions of this Act.

21. Any leases or other contracts of tenancy existing at the date of the passing of this Act, except yearly tenancies and tenancies less than yearly tenancies, which Provisions as to existing leases.

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opinion of the court, were at the time of such acceptance unreasonable or unfair to the tenant, having regard to the provisions of the said Act, was procured by the landlord by threat of eviction or undue influence, the court may, upon the application of the tenant made within six months after the passing of this Act, declare such lease to be void as and from the date of the application or order, and upon such terms as to costs or otherwise as to the court shall seem just; and thereupon the tenant shall as and from such date be deemed to be the tenant of a present ordinary tenancy from year to year at the rent mentioned in such lease. Any person aggrieved by the decision of the court in any proceedings under this section may, by leave of the court, which leave shall be granted unless the court shall consider the appeal frivolous or vexatious, appeal to Her Majesty's Court of Appeal in Ireland, and the decision of the said Court of Appeal shall be final and conclusive.

SEC. 22.

*Extent of Power to contract out of Act.*

22. A tenant whose holding or the aggregate of whose holdings is valued under the Act relating to the valuation of rateable property in Ireland at an annual value of not less than one hundred and fifty pounds, shall be entitled by writing under his hand to contract himself out of any the provisions of this Act or of the Landlord and tenant (Ireland) Act, 1870.

Contracts inconsistent with Act, how far void.

Where the tenancy in a holding subject to the Ulster tenant-right custom or to any corresponding usage, has been purchased by the landlord from the tenant by voluntary purchase before the passing of this Act, then, if at the date of the passing of this Act the owner of any such holding is in actual occupation thereof, it shall be lawful, in the case of the first tenancy created in the holding after the passing of this Act, for the parties to the contract creating the same, by writing under their hands, to propose that such tenancy shall be exempt from the provisions of this Act.

Save as in this section mentioned any provision contained in any lease or contract of tenancy or other contract made after the passing of this Act, which provision is inconsistent with any of the foregoing provisions of this Act or with any of the provisions of the Landlord and Tenant (Ireland) Act, 1870, shall be void.

Powers of  
limited  
owner.

**23.** A landlord being a limited owner, as defined by the twenty-sixth section of the Landlord and Tenant (Ireland) Act, 1870, may exercise under the foregoing provisions of this Act any powers which he might exercise if he were an absolute owner, with this exception, that except in the case of a body corporate, commissioners, or other like body, a limited owner shall not grant a judicial lease or create a fixed tenancy without the sanction of the court. Any fines or principal moneys arising from the exercise of such powers shall be dealt with in manner provided by the Lands Clauses Consolidation Acts hereafter in this Act defined with respect to the purchase money or compensation coming to parties having limited interests.

In the case of any holding subject to mortgage the prescribed notice of any agreement between landlord and tenant for granting a judicial lease or creating a fixed tenancy of such holding under the foregoing provisions of this Act, shall be served upon the mortgagee, and the mortgagee shall be entitled to intervene in such proceedings in the prescribed manner and subject to the prescribed conditions.

## PART VII.

### DEFINITIONS, APPLICATION OF ACT, AND SAVINGS.

Definitions.

**57.** In the construction of this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the context repugnant thereto; that is to say,

“Lord Lieutenant” includes the Lords Justices or any other Chief Governor or Governors of Ireland for the time being:

“Treasury” means the Commissioners of Her Majesty’s Treasury:

“Board of Works” means the Commissioners of Public Works in Ireland:

“County” includes a riding of a county:

“Contract of tenancy” means a letting or agreement for the letting of land for a term of years or for lives, or for lives and years, or from year to year:

"Tenant" means a person occupying land under a contract of tenancy, and includes the successors in title to a tenant : SEC. 57.

Where the tenant sublets part of his holding with the consent of his landlord he shall, notwithstanding such subletting, be deemed for the purposes of this Act to be still in occupation of the holding.

"Landlord" means the immediate landlord or the person for the time being entitled to receive the rents and profits or take possession of the land held by his tenant, and includes the successors in title to a landlord :

"Holding" during the continuance of a tenancy means a parcel of land held by a tenant of a landlord for the same term and under the same contract of tenancy, and, upon the determination of such tenancy, means the same parcel of land discharged from the tenancy :

"Tenancy" means the interest in a holding of a tenant and his successors in title during the continuance of a tenancy ; and "rent of a tenancy" means the rent for the time being payable by such tenant or some one or more of his successors :

"Present tenancy" means a tenancy subsisting at the time of the passing of this Act or created before the first day of January one thousand eight hundred and eight-three in a holding in which a tenancy was subsisting at the time of the passing of this Act, and every tenancy to which this Act applies shall be deemed to be a present tenancy until the contrary is proved :

"Future tenancy" means, accept as aforesaid, a tenancy beginning after the passing of this Act :

"Ordinary tenancy" means a tenancy to which this Act applies, and which is not a tenancy subject to statutory conditions, or a judicial lease, or a fixed tenancy :

"Sale," "sell," and cognate words, include alienation, and alienate, with or without valuable consideration :

"Ejectment" includes action for recovery of land :

"An estate" means any lands which the land commission may by order declare fit to be purchased as a separate estate for the purposes of this Act :

"Prescribed" means prescribed by rules made in pursuance of this Act :

"Landed Property Improvement (Ireland) Acts" means the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-

SEC. 58.

two, intituled "An Act to facilitate the improvement of landed property in Ireland," and any Acts amending or extending the same.

Any words or expressions in this Act which are not hereby defined, and are defined in the Landlord and Tenant (Ireland) Act, 1870, shall, unless there is something in the context of this Act repugnant thereto, have the same meaning as in the last-mentioned Act, and the Landlord and Tenant (Ireland) Act, 1870, except in so far as the same is expressly altered or varied by this Act or is inconsistent therewith, and this Act shall be construed together as one Act.

Tenancies to which the Act does not apply.

58. This Act, with the exception of so much thereof as amends the Landlord and Tenant (Ireland) Act, 1870, in respect of compensation for improvements, and with the exception of Part Five of this Act, shall not apply to tenancies in—

- (1.) Any holding which is not agricultural or pastoral in its character, or partly agricultural and partly pastoral; or
- (2.) Any demesne land, or any land being or forming part of a home farm or any holding ordinarily termed "town-parks" adjoining or near to any city or town which bears an increased value as accommodation land over and above the ordinary letting value of land occupied as a farm, and is in the occupation of a person living in such city or town, or the suburbs thereof; or
- (3.) Any holding let to be used wholly or mainly for the purpose of pasture, and valued under the Acts relating to the valuation of property at an annual value of not less than fifty pounds; or
- (4.) Any holding let to be used wholly or mainly for the purposes of pasture, the tenant of which does not actually reside on the same, unless such holding adjoins or is ordinarily used with the holding on which such tenant actually resides; or
- (5.) Any holding which the tenant holds by reason of his being a hired labourer or hired servant; or
- (6.) Any letting in conacre or for the purposes of agistment or for temporary depasturage; or
- (7.) Any holding let to the tenant during his continuance in any office, appointment, or employment, or for the temporary convenience or to meet a temporary necessity either of the landlord or tenant: Provided that any such letting made after the passing

of this Act shall be by contract in writing, which shall express the purpose for which such letting is made; SEC. 59.  
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(8.) Any cottage allotment not exceeding a half of an acre;

(9.) Any "glebe" as defined by the Act of thirty-eighth and thirty-ninth Victoria, chapter forty-two, which now is, or hereafter shall be held or occupied by any "ecclesiastical persons" as by the same Act defined, and no such ecclesiastical person shall in respect of such glebe be entitled to make any claim for compensation under any of the provisions of the Landlord and Tenant (Ireland) Act, 1870, or of this Act.

59. Where it appears to the court, on the joint application of the landlord and tenant of any holding valued under the Acts relating to the valuation of rateable property in Ireland at a sum not exceeding thirty pounds a year— Arrears of rent, how dealt with.

That the tenant has paid the whole (or such sum as the landlord may be willing to accept as the equivalent of the whole) of the rent payable in respect of the year of the tenancy expiring on the gale day next before the passing of this Act, and that antecedent arrears are due, the land commission may make, in respect of such antecedent arrears, an advance of a sum not exceeding one year's rent of the holding, and not exceeding half the antecedent arrears, and thereupon the court shall by order declare the holding to be charged with the repayment of the advance to the land commission, by a rentcharge payable half-yearly during the fifteen years from the date specified in the order, and calculated at the rate of eight pounds ten shillings a year for every hundred pounds of the advance.

Whenever in the case of any tenant evicted for non-payment of rent since the first day of May one thousand eight hundred and eighty, the landlord agrees to re-instate such tenant on the terms in this section set forth, this section shall apply as if such tenant had not been so evicted from his holding.

The charge declared by the order as aforesaid shall have priority over all charges affecting the holding except quit-rent and Crown rent and sums payable to the Commissioners of Public Works or the Commissioners of Church Temporalities in Ireland, and the landlord for the



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sums appearing from such account to be due to the land commission. Any such payment by the Commissioners of Church Temporalities in Ireland shall not discharge any person indebted to the land commission in respect of any payments in arrear, and it shall be the duty of the land commission to take any proceedings they may be advised for the recovery of payments in arrear, and to repay to the Commissioners of Church Temporalities in Ireland any sums so recovered. SEC. 62.

60. Any application which a tenant is authorised by this Act to make to court shall, if made to the court on the first occasion on which it sits after the passing of this Act, have the same operation as if it had been made on the day on which this Act comes into force; and any order made upon such application shall be of the same effect as if it had been made on the day on which this Act comes into force, unless the court otherwise directs; and the person by whom such application is made shall, if the court thinks just, be in the same position and have the same rights in respect of his tenancy as he would have been in and would have had if the application had been made on the day on which this Act comes into force. Saving in case of inability to make immediate application to Court.

61. This Act shall not apply to England or Scotland. Application of Act.

62. This Act may be cited for all purposes as the Land Law (Ireland) Act, 1881. Short title of Act.

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## APPENDIX B.

(*The following paper was issued by the Irish Land Committee before the introduction of the Land Bill of 1881, to show the rights of tenants under the Act of 1870, and previous Statutes.*)

AN IRISH TENANT'S PRIVILEGES UNDER THE PRESENT  
LAW (FROM 1870).

A Tenant who *voluntarily* surrenders his Farm

Must be paid by his landlord compensation for all improvements executed by himself or his predecessors : 33 & 34 Vict., c. 46, sect. 4.

A Tenant who is disturbed in his Holding by the act of his Landlord, for causes other than Non-payment of Rent,

Must be paid by his landlord *not only* full compensation for all improvements, *but also* as compensation for disturbance, a sum of money, varying from *one to seven years of his rent* : Sect. 3.

*N.B.—A Notice to Quit is deemed a disturbance.*

A Tenant, even when evicted for *Non-payment of Rent*.

Must be paid by his landlord

(a) Full compensation for all improvements :  
Sect. 4.

And when his rent does not exceed £15 he must be paid *in addition*

(b) A sum of money, varying from *one to seven years of his rent*, if the Court decides that the rent is exorbitant : Sect. 9.

A Tenant cannot be evicted for non-payment of rent until one year's rent is in arrear ; and even when evicted he can, within six months afterwards, get back into possession, by paying the amount due, less by any profit which the landlord may have made out of the holding while the tenant was out of possession : 23 & 24 Vict., c. 154, sect. 70.

A tenant, where it is proved that he or his predecessor has paid money with the landlord's consent on coming into his holding, and that he has not been paid compensation under custom or for dis-

turbance, and was not permitted to dispose of his interest, must be paid by his landlord, not only such compensation as may be awarded in respect of the money so paid on coming in, but also full compensation for all improvements made by himself or his predecessor since such payment : 33 & 34 Vict., c. 46, sect. 7.

The Court, in assessing the amount of compensation referred to, is bound to take into consideration *any* unreasonable conduct on the part of the landlord : Sect. 18.

A tenant can immediately after the notice to quit bring his claim for compensation, and cannot then be ejected from his holding until the landlord has paid the amount awarded : Secs. 16, 21.

In the absence of proof to the contrary, improvements are presumed to have been made by the tenant : Sect. 5.

No tenant whose holding is valued under £50 can by contract deprive himself of the compensation to which he is by law entitled : Sects. 3, 4, 12.

A tenant is not liable for tithes.

If a tenant's holding is valued at or over £4,

The landlord must pay half the poor's rate : 1 & 2 Vict., c. 57, sect. 74.

If the holding is valued under £4,

The landlord must pay the entire poor's-rate : 6 & 7 Vict., c. 92, sect. 1.

The process of distraint is rarely used in Ireland, and a levy under it can only be made for one year's rent.

*[The danger and difficulty of safely making a distress is proved by the fact, that notwithstanding the general strike against rents in October, 1881 by tenants having abundant stock, in hardly a single case has there been a distress for rent. See Ante, p. 246.]*

When property is sold in the Landed Estates Court, the Court must give facilities to tenants to enable them to purchase their holdings : 33 & 34 Vict., c. 46, sect. 46.

The Board of Works is empowered to advance to tenants any sum not exceeding two-thirds of the money required for purchasing their holdings, and the whole loan, with interest, is discharged by instalments of £5 per cent. per annum for 35 years on the money borrowed : Sect. 45.

[Referred to *Ante*, pp. 132, 276, 292, 373.]

## APPENDIX C.

## SALE OF GLEBE LANDS TO OCCUPYING TENANTS.

By the Irish Church Act, 32, 33 Vic., c. 42 : The Commissioners thereby appointed were empowered (Sec. 34) to sell all the Church lands which came into their possession, the occupiers and tenants holding from them having a right of pre-emption ; and (Sec. 52), to advance to the tenant three-fourths of the purchase money, to be repayable in 32 years by half-yearly instalments, with interest, at 4 per cent.

The annual value of these Glebe Lands set under yearly and other tenures was £89,842. 17s. 6d., and of these the portion sold to tenants under the Act was subject to a yearly rent of £73,759.\* These were not all occupying tenants.

## SALES FROM 1869 TO DECEMBER, 1880.

No. of Tenants who purchased their holdings,

6,057.†

Annual rents of holdings so purchased	...	£73,759	0	0
Total Purchase-Money of those holdings	...	£1,674,841	0	0
Amount thereof advanced on Mortgage	...	£1,05,3214	16	7
Amount of Purchase-Money of all yearly and other tenures—				
Paid in cash	...	£1,113,441	7	7
Amount of ditto advanced by				
Board of Works	...	£1,053,214	16	7
Total Purchase Money	...	£2,166,656	4	2

\* See Thom's Almanack, 1882, p. 644.

† Report of Church Temporalities—Thom's Almanack, 1882, p. 642.

[Referred to *Ante*, pp. 142, 191.]

## APPENDIX D.

SALES OF LAND in the INCUMBERED ESTATES COURT from 1849,  
And LANDED ESTATES COURT from 1859.

YEARS.	From 1849 to 1875.		From 1875 to 1880.		
	No. of Sales.	Amount of Purchase-Money.	Year.	No. of Sales.	Amount of Purchase-Money.
From 1849 to 1859 ...	3,547	£25,190,839	1876	331	£1,633,748
„ 1859 to 1864 ...	(2,200)	9,933,426	1877	310	1,430,453
„ 1864 to 1869 ...	1,425	6,339,849	1878	304	1,217,027
„ 1869 to 1875 ...	1,234	7,310,077	1879	357	799,008
			1880	326	329,549
			1875 to 1880)	1,628	£5,409,785
Sales, 1849 to 1875 ...	8,406	£48,774,191		8,406	48,774,191
				10,034	£54,183,976

The rate of purchase varied but little in several years, until the bad seasons of 1879 and 1880. In 1868 it was  $22\frac{1}{4}$  years purchase; in 1869,  $21\frac{1}{2}$ ; 1870,  $20\frac{3}{8}$ ; 1871,  $23\frac{1}{2}$ ; 1872 and 1873,  $22\frac{1}{4}$ ; 1874,  $20\frac{1}{2}$ ; 1875,  $22\frac{1}{4}$ ; 1876,  $19\frac{1}{2}$ ; 1877,  $19\frac{1}{4}$ ; 1878,  $18\cdot9$ ; 1879,  $17\cdot7$ ; 1880,  $16\cdot5$ .

From the above table it appears that from 1849 to 1880 10,034 estates were sold in the Courts for £54,183,976. Some of these estates were sold in 30 or 40 lots, and if only 15 lots be taken as an average, it would give a sale of over 150,000 lots, or an average of about 5,000 lots each year. If there had been any real sound healthy demand for small estates, it would have been met by such a supply, and the tenants, or those willing to be proprietors of small estates, would have outbid the large capitalist; but such was not the case. Even when the strong inducement of a gift of two-thirds of the purchase-money was held out to the tenants by the Land Act of 1870, they did not in any great number become purchasers, as the following tables show. These sales were nearly all effected through the Landed Estates Court.

[Referred to *Ante* p. 383.]

## APPENDIX E.

## PROCEEDINGS UNDER THE LAND ACT, 1870.

## 1st. Purchase of Farms BY TENANTS.—

Sec. 44 of the Land Act of 1870 (the Bright Clause of the 33 & 34 Vic., c. 46,) enabled the Board of Works to advance to tenants about to buy their farms two-thirds of the purchase-money, to be repaid by instalments in 35 years. Six per cent. per annum for that time repaid principal and interest. The Act was amended in 1872 by the 35, 36 Vic., c. 32, which provided that the amount to be advanced might be two-thirds of the value, and that the advance might be made whether the sale was by agreement or by sale in the Landed Estates Court.

The following tables show the number of purchasers, and the amount advanced under Part III. of the Land Act, 1870.

No. of FARMS PURCHASED under Land Acts, 1870, 1872, with amount advanced by Board of Works, 1870 to March 31st, 1880, IN EACH PROVINCE.

	No. of Farms.	Per Cent.	Amount of Purchase-Money.	Per Cent.	Amount advanced by Board of Works.	Tenement Valuation.	Average Purchase-Money of each Farm
			£ s. d.			£ s. d.	£
Ulster ...	528	62·2	350,635 1 9	43·8	219,106	13,768 4 8	004
Munster ...	169	20·0	202,064 8 5	24·6	113,604	9,640 9 6	1,255
Leinster ...	125	14·2	223,095 16 5	26·5	129,487	8,531 0 2	1,784
Connaught ...	27	3·6	42,327 0 2	5·1	30,173	1,791 16 8	1,507
Ireland* ...	849	100	£823,122 6 9	100	492,370	39,971 11 0	

This table shows that 62·2 per cent. of the farms bought, and 43·8 per cent. of the purchase money paid, have been for Ulster, while owing to the small size of the farms in Ulster, the price paid for each farm was not one-half the price paid in the other Provinces.

\* Thom's Almanack, 1882, p. 701.

**No. and Amount of Purchases of Farms under Land Act, 1870, for  
EACH YEAR TO 1880.**

*(The following tables have been compiled from the Annual Parliamentary Reports  
of Judicial Statistics.)*

YEAR.	No. of Purchasers.	Amount of Purchase Money	Year.	No. of Purchasers.	Amount of Purchase Money
1871	228		1877	84	£ 60,918
1872	50		1878	129	117,421
1873	46		1879	42	43,251
1874	39		1880	42	36,820
1875	75		Add 1870 to 1876	297	258,410
1876	167			605	598,075
Six Years	605	598,075	Total ...	*902	856,485

\* This seems to include some cases in which advances were made to purchase farms sold out of Court, and includes up to the end of 1880.

**Area of Holdings purchased by Tenants under Land Act, 1870.**

	1876.	1877.	1878.	1879.	1880.	Total.
Under 10 Acres.	5	18	25	3	4	55
10 to 15 „	7	8	15	3	2	35
15 to 20 „	4	10	12	6	2	34
20 to 30 „	10	5	17	9	4	45
30 to 50 „	18	23	21	11	9	82
50 to 100 „	16	15	24	4	13	72
Over 100 „	11	5	15	6	8	45
Total ...	71	84	129	42	42	368



1871	526	19
1872	599	20
1873	726	236
1874	1,061	222
1875	929	221
1876	472	175
6 years	4,313	1,254
1877	579	166
1878	514	173
1879	409	120
1880	348	95
4 years	1,850	554
Total	6,163	1,808

The above table sh  
compensation were ma  
Act was required to

The next table limits the comparison between the amount claimed and the amount granted to the cases in which decrees were made for some amount of compensation.

**Amount of compensation CLAIMED compared with the amount GRANTED,  
in the cases in which decrees were made.**

PROVINCE.	No. of Decrees.	Amount Claimed.	Amount Decreed.	Per cent. of Claim.	No. of Decrees.	Amount Claimed.	Amount Decreed.	Per cent. of Claim.
Ulster ...	(1877.) 83	£ 30,294	£ 8,877	29'	(1878.) 78	£ 25,935	£ 8,305	32'
Munster ...	38	10,485	2,290	21'	32	11,892	3,830	32'
Leinster ...	28	7,645	3,233	43'	29	6,601	3,080	46'
Connaught ...	17	3,057	1,001	32'	34	4,053	1,849	46'
Total ...	166	51,294	15,401	30'	173	45,541	17,063	35'
Ulster ...	(1879.) 58	£ 21,778	£ 7,658	35'1	(1880.) 49	£ 13,851	£ 4,168	30'
Munster ...	21	5,200	1,610	30'9	23	5,001	1,999	40'
Leinster ...	21	5,667	1,989	35'	13	4,968	1,578	32'
Connaught ...	20	5,397	1,397	25'8	10	1,582	459	29'
Total ...	120	38,042	12,654	33'3	95	25,402	8,204	31'
Total of Ireland for Four years in cases Decreed ... } 554					160,277	53,322	33'2	

The above tables for the years 1877, 1878, 1879, and 1880, shew that the sums granted for compensation only amounted to 30 or 35 per cent. of the sums claimed in each case; that excluding the 15·7 per cent. of the cases wholly dismissed, and the 55 per cent of the cases settled out of Court, the sums claimed in the remaining cases were 66·8 per cent. above what the Courts thought reasonable, or if the dismissed cases be added it shows 82·5 per cent. of the claims untenable.

(Referred to *Ante* pp. 145, 188, 292.)

## Total Compensation granted under Act, 1870, to end of 1880.

PROVINCE.	From 1870 to end of 1875.	1876.	1877.	1878.	1879.	1880.	Total.
Ulster ...	£ 44,325	£ 9,210	£ 8,877	£ 8,305	£ 7,658	£ 4,168	£ 82,543
Munster...	17,820	1,195	2,290	3,830	1,610	1,999	28,744
Leinster ...	8,243	3,282	3,233	3,080	1,989	1,578	24,405
Connaught	5,571	1,336	1,001	1,848	1,397	459	11,612
Total ...	75,959	15,023	15,401	17,063	12,654	8,204	147,304

From the above table it will be seen that out of £147,304 granted for compensation under the Act from 1870 to 1880, the sum of £82,543, or 56 per cent of the entire, was granted in Ulster, where tenant-right had existed, and had generally afforded sufficient security without the Act. The only change was that it became payable under the Act instead of under the custom, and in thousands of cases the custom went on as before, the purchasing tenant paying the purchase-money through the Agent's office, and never having recourse to the Act.

## APPENDIX F.

## THE COMPENSATION FOR DISTURBANCE BILL (1880).

The history of this Bill is very instructive. As a concession to turbulence, and a flagrant abandonment of the principles of justice and good government, it had a most serious effect in promoting agitation, crime, and outrage.

A passive resistance to the payment of rent, and a determination by the tenants themselves to fix what rents they would pay, were the levers upon which it was intended from the first that the entire agitation should be worked. This was shown by Michael Davitt's charter and Mr. Parnell's speeches in 1879.\* A resistance to the payment of rent had been openly advocated upon the platforms

\* *Ante*, p. 326, 330, *post*.

from October, 1879; and the only efficient power of resistance which the landlords had was the eviction of those who were able to pay and would not pay; and by the 9th section of the Act of 1870, a tenant evicted for non-payment of rent was not entitled to the compensation for disturbance given by that Act. This was felt to be a check upon the proposed organized resistance to rent. Accordingly the Land League party introduced a Bill on May 20th, 1880, to repeal so much of that 9th section as provided that "an eviction for non-payment of rent should not be deemed a disturbance." This Bill bore the names of Mr. O'Connor Power, M.P., Mr. E. D. Gray, M.P., Mr. Cummins, M.P., and Mr. O'Shaughnessy, M.P.

It was as a concession to this movement that the Government Disturbance Bill was introduced on June 18th, 1880, by the Chief Secretary, the Attorney-General, and the Solicitor-General for Ireland. In substance it was as follows:—

#### Compensation for DISTURBANCE (IRELAND) BILL.

"Sec. 1. An ejectment for non-payment of rent for the recovery of the possession of a holding [valued under the Acts relating to the valuation of rateable property in Ireland, at an annual value of not more than thirty pounds], situate wholly or partially in any of the poor law unions mentioned in the schedule hereto . . . and which shall be commenced after the passing of this Act and before the thirty-first day of December one thousand eight hundred and eighty-one. . . . or in which any judgment or decree for possession shall be executed after the passing of this Act and before the thirty-first day of December one thousand eight hundred and eighty-one, shall be deemed and declared by the court having jurisdiction to hear and determine land claims . . . to be a disturbance of the tenant by the act of the landlord within the meaning of the third section of the Landlord and Tenant (Ireland) Act, 1870, notwithstanding anything contained in the said Act,"—

"If it shall appear to the Court—

- (1) That such non-payment of rent by the tenant is owing to his inability to pay, caused by such distress as aforesaid; and
- (2) That the tenant is willing to continue in the occupation of his holding upon just and reasonable terms as to rent, arrears of rent, and otherwise; and
- (3) That such terms are refused by the landlord without the offer of any reasonable alternative."

*(The following Sections were added in Committee.)*

["Sec. 2. The acceptance of compensation for disturbance under this Act shall be a bar to any claim, under the provisions of the twenty-third and twenty-fourth years of Victoria, chapter one hundred and fifty-four, or otherwise, to be restored to the possession of the premises included in the ejectment for non-payment of rent: Provided always, that if it appears to the Court that any person other than the tenant has a specific interest in the holding, notice of the proceedings shall be given to every such person, and so long as any such person may be entitled to redeem the holding no acceptance of such compensation shall be valid, nor shall the amount awarded, or any part thereof, be payable, unless every such person shall consent thereto, or the Court, having regard to all the circumstances of the case, shall so direct."]

["Sec. 3. The amount of rent which may be allowed by any landlord to accrue due during the period of the operation of this Act shall not be reckoned against him in calculating the arrear of rent which might in any case of ejectment for non-payment of rent be sufficient to subject him to damages for disturbance under the ninth section of the Landlord and Tenant (Ireland) Act, 1870."]

*(Then followed a Schedule of 88 distressed Unions, comprising the County of Donegal and nearly all Munster and Connaught.)*

The Bill as introduced did not contain the clause within brackets in section 1, nor did it contain sections 2 or 3. It even passed through the committee of the Commons without sections 2 and 3. The effect of the Bill so framed would have been that if a landlord evicted a tenant for (say two years) arrears of rent, he would be entitled to get from the landlord compensation for disturbance, amounting according to the scale, to from 2 to 7 years' rent, according to the size of the holding. But the gross injustice of the proceeding did not end there, for after the tenant had been paid his compensation, or obtained his decree for it, he would have been entitled to redeem by paying up the rent and costs under the 23 & 24 Vic., 154 sec 64, or even after the possession taken during the succeeding six months; so that a tenant might actually come back into possession with the two years' arrears discharged, and three years' rent in his pocket, all got from the landlord as compensation for the disturbance, even though the disturbance had been put an end to by the tenant redeeming within six months. The process might then be repeated by a fresh arrear, and a fresh ejectment, and a fresh compensation.

The Bill was brought up for reconsideration, July 22nd, 1880, when at the instance of Mr. Gibson, the Attorney-General of the former Government, sections 2 and 3 were added, in order to prevent this monstrous and unjust anomaly. The Bill was ultimately rejected by the House of Lords on the second reading, August, 1880.

In view of the widespread conspiracy which was then being organised to resist the payment of rent in Ireland, and when a lawless agitation was threatening the country, it is hardly possible to conceive a measure more calculated to establish principles of dishonesty and fraud, to instigate a general resistance to the payment of debts, and to encourage turbulence and violence.\* Mr. O'Donnell, M.P., in a letter to *The Times*, November 21st, 1881, distinctly avowed that "The No Rent Manifesto is a revival in the autumn of 1881 of the main principle of the Bill. . . . It is a popular version of the Disturbance Bill."†

\* Ante, p. 197.

† Ante, p. 359.

## APPENDIX G.

### LAND LEAGUE "MORTGAGES."

Copies of the following confidential communication were sent from the Land League to the secretaries of branches throughout the country in the autumn of 1881:—

"Irish National Land League and Industrial and Labour Union Offices, 39 Upper Sackville-street, Dublin.

"LEGAL DEPARTMENT.

"DEAR SIR,—The enclosed circular will explain fully the object of the deed of mortgage sent herewith, and it is therefore superfluous to refer to the subject here. All that remains to be done is to give directions as to the execution of the deed and memorial. It is desirable that the matter should be completed in the presence of a solicitor of experience. Care must be exercised in the choice of a solicitor. . . . (Then followed careful directions as to the execution).—Yours faithfully,

"WILLIAM DORRIS."

## CIRCULAR ENCLOSED

"Irish National Land League, Industrial and Labour Union Offices, 39 Upper Sackville-street.

## "LEGAL DEPARTMENT.

"DEAR SIR,—Mr. Parnell, M.P., in a speech delivered by him at the Convention recently held at the Rotundo, stated that tenants could prevent their farms being sold without paying impossible rents. There are two means by which tenants can accomplish this—one is by executing a deed of mortgage; the other by getting a shopkeeper or some other person to whom tenants owe money to proceed against them in the High Court of Justice, and when judgment has been obtained registering the same as a mortgage against the tenants' interest in their farms. Neither course will necessarily prevent the sheriff going through the form of a sale, but either will render the sale, *if carried out, a nullity, provided the directions hereinafter given are fully and properly carried out.*

..... "If the tenants decide upon executing a mortgage, the mortgagee (that is the person to whom the mortgage is given) *ought to be a creditor of the tenant's, and will have to make the tenant an advance of a substantial sum of money at the signing of the deed.* The debt to be secured, and the money to be advanced must be *bona fide*, due and advanced at the time of the execution of the deed. (The Circular then proceeds to state the object of the whole, and how to make it safe.)—Yours faithfully,

"WILLIAM DORRIS."

Accompanying these circulars were blank forms of mortgage, with instructions pencilled in the margin for filling up the vacant spaces. The whole business was plainly an organised conspiracy to defraud. The Report of the Bessborough Commission said, the "power of free sale will be a solution of the whole question." Here is the answer: A tenant refuses to pay rent; the power of distress is nugatory (*ante*, p. 246); an ejectment was to have been defeated by the Disturbance Bill (p. 512), and a sale by this fraudulent mortgage.

## APPENDIX H.

## CRIME AND OUTRAGE.

[Referred to *ante* pp. 153, 355, 425, 426, 427.]

## LIST of AGRARIAN Outrages in Ireland for several years.

10 years 1851 to 1860.	10 years 1861 to 1870	1871	1872	1873	6 years under Peace Preservation Act and no concessions.						2 years under concessions without P. P. Act.	
					1874	1875	1876	1877	1878	1879	1880	1881
4153*	3889	373†	256	254	213	136	212	236	301	863	2585	4439

Thus the agrarian crimes for each of the years 1880 and 1881 were as numerous as in the entire ten years from 1850 to 1860, or from 1860 to 1870, or in the nine years from 1870 to 1879. In the year of concession without coercion (1880), and in the year of concession and mock coercion (1881),‡ the agrarian crimes were ten times as numerous as in the years of no concession and the Peace Preservation Act. Under that Act there were 717 prosecutions in 1871, and 616 prosecutions in 1872; hence the cessation of crime.§ In like manner the number for the ten years to 1870 included 767 cases for 1869, and 1,329 for 1870, the other two years of concession. The following table will show the nature of the crimes, and that in the first four months of 1882 they have actually increased.

\* Thom's Almanack, 1882, p. 657.

† Parliamentary Paper, 1882, No. [C 3,119].

‡ *Ante*, p. 337.

§ Criminal Statistics, Ireland, for 1872, p. 18.



## Classification of AGRARIAN Outrages.

	1880.	1881.	1882.				
			Month Jan.	Month Feb.	Month March.	Month April.	Total of four Months
Murder or firing at ...	32	88	11	8	14	6	39
Assaulting or wounding	145	209	14	12	10	11	47
Incendiary fires ...	210	356	30	30	30	36	126
Taking forcible possession	82	65	4	2	6	13	25
Maiming cattle ...	101	155	9	10	8	16	43
Intimidation by attacking or firing into houses, injury to property, or threatening letters ...	1,947	3,258	343	296	392	306	1,337
Firing into dwellings ...	...	...	21	21	27	17	86
Other cases ...	68	308	47	28	44	57	176
	2,585*	4,439	479†	407‡	531§	462§	1,879

The increase in the number of outrages generally, though considerable, was not as great as the increase in agrarian outrages.

\* Parliamentary Paper, 1882, C 3,119.

† Do

‡ Do. 183.

§ Do. 182.

**Return of Outrages specially reported to the Constabulary for several years.**

PROVINCE.	Population, 1881.	Outrages for six years under Peace Preservation Act and no concessions.						Two years under concessions and no P. P. Act.	
		1874	1875	1876	1877	1878	1879	1880	1881
Ulster ...	1,739,542	523	547	564	605	641	774	945	1,002
Munster ...	1,323,010	624	579	566	618	758	950	1,912	3,238
Connaught ...	817,197	426	396	406	536	510	1,084	1,780	1,975
Leinster (without Dublin Metropolitan District) ...	1,006,126	523	479	512	544	615	697	1,032	1,573
Ireland* (without Dublin) ...	4,886,775	2,096	2,001	2,048	2,303	2,524	3,505	5,669	7,778
Dublin† ...	273,064	3,734	3,725	3,446	3,292	3,512	3,735	2,696	...
Ireland‡ (according to Criminal and Judicial Statistics) ...	5,159,839	6,662	6,595	6,261	6,328	6,959	8,089	8,607	...

\* These figures are taken from the Return of Outrages furnished by the Constabulary.—Parliamentary Paper, Sess. 1882, No. C 3,119.

† These figures are taken from Criminal and Judicial Statistics furnished annually to Parliament.

*Reconciliation.*—The Criminal and Judicial Statistics Report gives the number of *indictable* offences for 1880 as 8,607 for all Ireland. The number of cases *specially reported* to the Constabulary as given in Constabulary Return (excluding the Metropolitan District), is 5,669. The cases in the Metropolitan District, 2696 for the year, nearly make up the difference. For the purpose of accurate comparison, the population of the Metropolitan District is deducted from the Police Return.

## UNPUNISHED CRIME, 1880.

Classification of Crimes for 1880, and Disposal of Persons Committed for Trial.

	No. of Crimes Committed.	No. of Persons Committed for Trial.	No. of Persons Acquitted.	No. of Persons Convicted.
No. 1. * Offences against the person (including murders, attempts to murder, and assaults) ...	1,369	1,650	846	795*
No. 2. Offences against property with violence (housebreaking, &c.) ...	584	286	108	178
No. 3. Ditto without violence (including larceny)	2,063	1,206	482	722
No. 4. Malicious offences against property (including incendiarism and maiming cattle) ...	1,133	73	42	30
No. 5. Forgery ...	91	88	32	56
No. 6. Other offences (including threatening letters) ...	2,367	1,413	809	602
Total ... ..	8,607	4,716	2,329	2,383

The above table is compiled from the Police Table No. 6, and Proceedings Table No. 1 of the Parliamentary Returns of Criminal and Judicial Statistics for 1880. The convictions were chiefly for the lesser crimes.

In Offences No. 1\* there were 45 murders, and only 6 persons convicted; there were 190 cases of manslaughter, shooting at, stabbing or wounding, in each of which many persons were concerned, but there were only 81 persons convicted. Out of the 795†

convictions, 622 were for the ordinary assaults. Under No. 3 the convictions were chiefly for larcenies. Under No. 4 there were 456 cases of incendiarisms, and 206 of maiming cattle, making 662 agrarian outrages, for which there were only 80 convictions. Under No. 6 there were 1,876 cases of intimidation by threatening letters or otherwise, and only 48 convictions.

The next table shows the almost perfect impunity for agrarian crime. The convictions being only 1·4 *per cent.*

### AGRARIAN CRIMES, 1882.

#### Persons Acquitted and Convicted.

	January.	February	March.	Three Months.	<i>Per cent.</i>
No. agrarian crimes ...	479*	407	531	1,417	
No. of persons convicted...	12	4	5	21	1.4
Do. acquitted...	16	12	23	51	3.6
Do. awaiting trial...	3	7	18	28	2
Cases in which no one committed or amenable...	448	384	485	1,317	93

The whole of these Returns prove the very great increase of crime under concession, and the increase in the amount of crime unpunished (facts which necessarily react upon each other).

\* Parliamentary Return, 1882, No. (71).

## APPENDIX I.

(Compiled from a Parliamentary Return made by the Inspector of Constabulary to the House of Commons, April 8th, 1881.

**FAMILIES EVICTED.**

(Referred to ante p. 263.)

	Evicted.	Ulster.	Leinster.	Connaught.	Munster.
1849	16,686	1,893	3,353	4,153	7,287
1850	19,949	1,961	4,015	5,016	8,957
1851	13,197	1,140	3,192	3,855	5,010
1852	8,591	770	1,827	2,927	3,067
1853	4,833	454	1,354	1,877	1,148
1854	2,156	226	534	763	633
1855	1,849	174	420	896	359
1856	1,108	146	251	399	312
1857	1,161	139	468	335	219
1858	957	132	273	367	185
1859	837	112	133	374	218
1860	636	125	162	165	184
1861	1,092	200	250	274	368
1862	1,136	149	301	381	305
1863	1,734	329	427	528	450
1864	1,924	325	390	692	517
1865	942	291	232	236	183
1866	795	153	220	209	213
1867	549	91	131	219	108
1868	637	156	137	194	150
1869	374	81	129	86	78
1870	548	109	163	139	137
1871	482	91	101	184	106
1872	526	139	113	173	101
1873	671	129	131	203	208
1874	726	196	107	246	177
1875	667	106	124	276	161
1876	553	164	151	104	134
1877	463	68	160	118	117
1878	980	88	275	365	252
1879	1,238	172	354	313	399
1880	2,110	497	484	387	742
Total evicted ...	90,107	10,806	20,362	26,354	32,485
No. readmitted ...	21,340	2,015	4,938	6,365	8,022
Evicted and not readmitted ...	68,767	8,791	15,424	20,089	24,463

This Return shows that a large proportion of those evicted were readmitted, those from 1870 being readmitted as tenants.

This Return does not correspond with the Sheriff's Returns given ante pp. 258, 259, which show a larger number. The Sheriff's Return, therefore, probably comprise many cases in which the families were not put out.

• Parliamentary Return, 1881, No. 135.

# APPENDIX J.

## AGRICULTURAL HOLDINGS arranged according to Valuation and Survey.

### HOLDINGS arranged according to Tenement Valuation.

	At £4 and under.	From £4 to £10.	From £10 to £15.	From £15 to £30.	From £30 to £50.	From £50 to £100.	Over £100.	Total.	Valuation, omitting Cities.	Average Value of Farms.
Ulster ...	72,055	82,645	33,964	37,095	11,351	5,164	1,697	243,077	£ 4,102,020	£ s. d. 16 17 6
Leinster ...	38,825	32,251	15,695	22,265	11,094	8,738	5,926	134,794	3,868,824	28 14 2
Munster ...	48,091	34,688	17,084	25,064	12,481	8,393	3,348	143,159	3,167,307	22 1 9
Connaught	65,228	47,350	10,969	8,439	2,774	2,129	1,396	138,255	1,389,438	10 0 11
	218,199	196,334	77,712	92,870	37,679	24,424	12,367	660,185*	12,527,580†	

\* The above Table appears to include many holdings not agricultural, and the valuation of Ulster seems to include Belfast, and Leinster to include Dublin Suburbs.

† See Thom's Almanack, 1882, p. 922.

HOLDINGS arranged according to Survey, Statute Measure.\*

	Under 5 Acres.	From 5A. to 15A.	From 15A. to 30A.	From 30A. to 50A.	From 50A. to 100A.	Over 100A.	Total.	Quantity, Arable and Pasture.†	Average size of Farm.
Ulster ...	34,427	68,271	55,704	24,433	13,652	4,726	201,213	Acres. 3,954,809	Acres. 14
Leinster ...	36,043	25,816	22,581	15,674	14,022	9,971	124,107	4,039,804	32½
Munster ...	23,122	18,986	24,593	22,112	22,511	12,164	123,488	4,581,162	37½
Connaught	21,313	48,262	33,640	10,704	6,044	5,451	125,414	2,758,350	22½
	114,905	161,335	138,518	72,923	56,229	32,312	574,222½		

\* See Parliamentary Return [c. 2534], Agricultural Statistics, Ireland, 1879, p. 8; also Thom's Almanack for 1882, p. 722.

† See Eason's Almanack for 1886, p. 65.

‡ The holdings in this Table are purely agricultural, which accounts for the number being 574,222, instead of 660,185 in the above Table of Valuations; so the holdings in Ulster in this Table are 201,213, but in the former 243,077, which evidently includes the suburbs of Belfast and some manufacturing towns.

§ The size of the farm is not a true test in Connaught, as it generally includes a quantity of rocky or waste land. The average size of each farm here is 22 acres, but the average value is only £10 os. 11d., as in prior Table. Thus comparing Ulster with Connaught the size of each farm is as 14 acres in Ulster to 22 acres in Connaught, while the value is as £16 17s. 6d. in Ulster to £10 os. 11d. in Connaught.

# AGRICULTURAL HOLDINGS, distinguishing Leaseholds and Tenancies from Year to Year, as given in 1870

	Total Holdings.	Tenancies from Year to Year.					Lease-holds.	Held in Fee.	Per cent. at Will.	Per cent. on Lease.	Per cent. in Fee.	Total.
		Value under £15.	Per cent. under £15.	Value £15 to £30.	Value over £30.	Total from Year to Year.						
Ulster ...	250,728	167,742	66.8	26,789	91,018	205,549	40,796	4,453	82	16.2	1.8	100
Leinster ...	140,086	74,287	53.	15,666	10,880	100,833	33,542	5,711	72	23.2	4.8	100
Munster ...	145,712	69,423	47.6	14,407	9,638	93,468	46,435	5,809	64	31.2	4.8	100
Connaught	145,711	117,483	80.6	6,292	3,003	126,778	14,689	4,244	88	10.	2.	100
	682,237	428,935		63,154	34,539	526,628	135,392	20,217				

This Table is compiled from the Parliamentary Return No. 32 of 1870. It purports to comprise only Agricultural Holdings. The holdings under lease and in fee, making together 155,609, are thus distributed:—those under 15 acres, 83,145; between 15 acres and 30 acres, 63,154; over 30 acres, 9,310. A Return made by Sir R. Griffith, in 1866, set down the entire number of Agricultural Holdings at only 608,864.\* The variation may easily arise in the estimate of what is an Agricultural Holding.

\* See Thom's Almanack for 1873, p. 834.



## APPENDIX K.

## CHARTER OF THE LAND LEAGUE.

(Referred to *ante* p. 328.)

The following is the substance of Michael Davitt's Charter of the Land League, introduced at Castlebar, on the formation of the first Land League organization—that for Mayo—and adopted at the meeting in Dublin, October 21st, 1879.

“This body shall be known as the National Land League of Mayo, and shall consist of farmers and others, who will agree to labour for the objects here set forth, and subscribe to the conditions of membership, principles, and rules specified below.

OBJECTS.—The objects for which this body is organised are—

1st, To watch over the interests of the people it represents . . . .

2nd. To resort to every means compatible with justice, morality, and right reason, which shall not clash defiantly with the constitution upheld by the powers of the British empire in this country, for the abolition of the present Land laws of Ireland, and the substitution in their place of such a system as shall be in accord with the social rights and interests of our people, the traditions and moral sentiments of our race, and which the contentment and prosperity of our country imperiously demand.

3rd. Pending a final and satisfactory settlement of the Land Question, the duty of this Body will be to expose the injustice, wrong or injury which may be inflicted upon any farmer in Mayo, either by rack-renting, eviction, or other arbitrary exercise of power which the existing laws enable the landlords to exercise over their tenantry. . . . and among other means was (a) To publish by placard or otherwise notice of contemplated evictions for non-payment of exorbitant rent, or other unjust cause, and the convening of a public meeting, if deemed necessary or expedient, as near the scene of such evictions as circumstances will allow, and on the day fixed upon for the same. (b) The publication of a list of evictions carried out, together with cases of rack-renting, giving full particulars of same, and name of landlord. (c) The publication of the names of all persons who shall rent or occupy land or farms from which others have been dispossessed for non-payment of exorbitant rents, or who shall offer a higher rent for land or farms than that paid by the previous occupier.

4th. This body to undertake the defence of such of its members, or others of local clubs affiliated with it, who may be required to resist by law actions of landlords or their agents who may purpose doing them injury, wrong, or injustice in connection with their land or farma.

5th. To render assistance when possible to such farmer members as may be evicted, or otherwise wronged by landlords or their agents.

6th. To undertake the organising of local clubs, &c.

7th. Finally, to act as a vigilance committee in Mayo, noting the conduct of its grand jury, poor-law guardians, town commissioners, and Members of Parliament, and pronounce on the manner in which their respective functions are performed, whenever the interests, social or political, of the people represented by this club render it expedient to do so.

**DECLARATION OF PRINCIPLES.**—The land of Ireland belongs to the people of Ireland, to be held and cultivated for the sustenance of those whom God decreed to be the inhabitants thereof. . . . The end for which the land of a country is created requires an equitable distribution of the same among the people who are to live upon the fruits of their labour in its cultivation. . . . Originally the offspring, not of industry, but of spoliation, the right has not been allowed to purify itself by protracted possession, but has passed from the original spoliators to others by a series of fresh spoliations, so as to be always connected with the latest and most odious oppression of foreign invaders. In the moral feelings of the Irish people the right to hold the land goes, as it did in the beginning, with the right to till it. The interests of the landlords of Ireland are pecuniary, and can be compensated, but the interests of the people of Ireland, dependent upon the produce of the soil, is their very existence. In denouncing existing land laws, and demanding in their place such a system as will recognise and establish the cultivator of the soil as its proprietor, we neither purpose nor demand the confiscation of the interests which the landlords now hold in the land, but simply ask that compensation be given them for the loss of the said rights when the State, for the peace, benefit, and happiness of the people, shall decree the abolition of the present system."

## APPENDIX L.

## SPEECHES OF THE LAND LEAGUE MEMBERS:

The dates at which some of the following speeches were delivered are important, as marking the early avowal of the communistic and revolutionary principles aimed at by the conspiracy from the first. It proves how the connivance at the open teaching of these principles, and the concession made to them by the introduction of the Disturbance Bill (see *ante* p. 512), and by the early promise of a sweeping Land Bill, gave them weight and influence, and naturally led to the crime and outrage which followed.

The following are a few extracts from many hundreds of speeches of the same kind delivered at large public meetings in all parts of the country :—

At a meeting in the Phoenix Park, held March 14th, 1880, a resolution was adopted which said, "Whereas the institution of Irish landlordism has had its origin in the subjugation of our country and the confiscation of its soil to *adventurers and enemies* of the people who owned it . . . the prosperity and contentment of Ireland imperatively demand the *speedy and final abolition of Irish landlordism.*"

Mr. Brennan, one of the secretaries of the Land League, said, "The resolution could be reduced to these words, 'Abolition of Landlordism,' . . . the people of Dublin should aid in the movement for the destruction of that accursed institution;" and again early in May, 1880, "You must go and strike against rent until the question is settled." "After you have provided for the requirements of yourself and your children, then if anything remains give it to the landlord."

Mr. Walshe, at a meeting on the 6th June, 1880—"Pay the shopkeeper and the people from whom you have got things to support your family, and if you have anything left give it to the landlord; it is good enough for them."

Mr. Brennan again said, "Any man who pays an unjust rent, whether he can afford it or not, is an enemy to the common good."

On the 29th of June Mr. O'Sullivan, the assistant secretary, pointed out the mode of meeting the landlords "by resistance in every shape and form to the *legal robber* who has been too long allowed to pass without interruption."

"Mr. Brennan, in June, 1880—" *The destruction of landlordism will be but the destruction of foreign rule in Ireland*, it is the chief prop of these institutions; remove the props and the whole edifice will come tumbling in the dust. Ireland will take part in emancipating the world, writing on the tables of justice the word Republicanism."

While this language was being daily uttered by the accredited agents of the Land League, aiming at the "destruction of landlordism" as the potent means of "destroying the English rule in Ireland," the Government were preparing their Disturbance Bill, which would have conceded for two years the principles of the League, and was a surrender of English Government to this communistic conspiracy.

On the 13th of June, while the Disturbance Bill was before the House, Mr. Boyton said, "We will never stop until we have wiped away that infamous system of landlordism off the face of the earth."

Mr. Richard Lalor, M.P. for Queen's County, said, "Mind you they had this system of landlordism all over Europe; in France up to a few years ago. I suppose many of you heard how the French people were treated, and *they took a method of getting rid of their landlords, which unfortunately we are not able to take. No, my friends, we are not able to take that method—I WISH WE WERE.* We are not able to take that, but we must take other measures."

Mr. Sheridan,\* at a meeting in Cork, on the 15th of August, 1880, said, "The French peasants offered their feudal landlords a fair compensation for the lands; they did not accept it, and then the *peasants of France gave them the compensation they so richly deserved, a rope's length at every road crossing.*"

Mr. Dillon, M.P., on the 15th August, 1880, said, "If you pay rent and arrears of rent this year, the good harvest will go to the landlords, *therefore this year there shall be no arrears of rent paid*; that is the EDICT of the Land League."

At Duneen Mr. O'Sullivan said—"Stand up together like men, and say, 'We won't pay you until you get this land question settled, *Mr. Cromwellian land Fiend*; you will get no more; you have got enough already, and *we are determined to do away with the like of you.*'"

\* Probably this is the Mr. Sheridan now to be associated with Mr. Parnell and Mr. Gladstone in preventing outrages, *ante*, p. 472.

The resolution passed at most of these meetings was this—  
 "That we pledge ourselves to pay no rent pending a settlement of the land question, and we call upon our brother tenant-farmers to act on the advice of the Archbishop of Cashel (Croke) and the National Land League to hold the harvest."

*[How could the people to whom such teaching was addressed look upon the Disturbances Bill, which would prevent the payment of rent for two years, as anything but an adoption by Government of the principles of the Land League, as so taught.]*

On the 4th September, 1880, there appeared in the *Nation* a ballad by Miss Fanny Parnell, one stanza of which is—

"The birds are hovering round, the vultures wheel and swoop,—  
 They come, the connetted ghoulis, with drum-beat and with troop—  
 They come to fatten on your flesh, your children's and your wives';  
 You die but once—hold fast your lands, and, if you can, your lives."

Mr. Dillon, on the 10th October, 1880, said—"The first thing we propose is to reduce the existing rents. I think, on the whole, in this part of the country (Kildare) Griffith's Valuation would be a pretty fair standard; but in those districts in the West, where the country is sufficiently organized, I shall advise the people not to pay any more rents at all."

Mr. Nally in the way on the same day said—"I tell the tenants here plainly in as plain language as I could use, not to give him (the landlord) a penny at all if he will refuse to take what will support him."

Mr. Dillon, on October 17, 1880, at Holyford, said—"The Irish land belongs to the Irish people, and that it has been taken from them by devil and force, and that the men of Ireland are to-day determined to take back the land of their fathers." . . . "The object is to clear the path for Irish Nationality, by emancipating the people of Ireland from the control of *English landlordism*, and settling them in their own homes as freemen. . . . You must do this by organizing yourselves. Come to an agreement as to what you can fairly pay, and no more; then say to the landlord, 'If you will not take this and give us a clear receipt for all rent due up to the last gale day, we won't give you anything at all.' 'When a man is evicted, turn the farm into a *motel farm*, a farm on which no living thing can grow.' 'WE mean to fix the rents for the ensuing year.'"

Here is the true origin of Mr. Gladstone's Act for fixing rents. It was a fatal concession to the League, and an adoption of one of their chief principles. Is it any wonder that it gave a force, an impetus, and audience to that conspiracy through the League and branches of the land?

A form of resolution promulgated by the League (Resolution 12) was adopted at nearly every meeting as follows:—

“We pledge ourselves not to take a farm from which a tenant has been evicted for non-payment of an unjust rent. Neither will we work upon such a farm, nor will we buy any farm stock or produce which may be sold for rent.”

The language became still more violent during the year 1881. Throughout the entire of that and the previous year these doctrines of the League were enforced by murders, and mutilations, and incendiarisms, and intimidation of every kind; 2,385 agrarian outrages in 1880,\* and 4,439 in 1881. And yet in October, 1881, this Conspiracy, banded together for these avowed revolutionary and treasonable objects, and using these illegal and diabolical means, was allowed to summon a Convention of 1,200 delegates from all parts of Ireland to meet in Dublin on the 15th September, 1881.†

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## APPENDIX M.

### NO RENT MANIFESTO.

(Referred to *ante* 355, 365.)

*(The following is the Manifesto issued by the Leaders of the Land League five days after their arrest.)*

“TO THE IRISH PEOPLE.

“FELLOW-COUNTRYMEN—The hour has come to test whether the great organisation built up during years of patient labour and sacrifice, and consecrated by the allegiance of the whole Irish race the world over, is to disappear at the summons of a brutal tyranny. The crisis with which we are face to face is not of our making. It has been deliberately forced upon the country, while the Land Act is as yet untested, in order to strike down the only power which might have extorted any solid benefits for the tenant-farmers of Ireland from that Act, and to leave them once more helplessly at the mercy of a law invented to save landlordism, and administered by landlord minions.

\* See *ante*, pp. 425, 426

† See *ante*, p. 344.

"The Executive of the Irish National Land League, acting in the spirit of the resolutions of the National Convention—the most freely elected representative body ever assembled in Ireland—was advancing steadily in the work of testing how far the administration of the Land Act might be trusted to eradicate from the rents of the Irish tenant-farmers the entire value of their own improvements, and to reduce these rents to such a figure as should for ever place our country beyond the peril of periodical famine. At the same time they took measures to secure, in the event of the Land Act proving to be a *mere paltry mitigation of the horrors of landlordism, in order to fasten it the more securely on the necks of the people, that the tenant farmers should not be delivered blindfolded into the hands of hostile law courts, but should be able to fall back upon the magnificent organisation which was crushing landlordism out of existence*, when Mr. Gladstone stepped in to its rescue. In either event the Irish tenant-farmers would have been in a position to exact the uttermost farthing of their just demand.

"It was this attitude of perfect self-command—impregnable while there remained a shadow of respect for law, and supported with unparalleled enthusiasm by the whole Irish race, that moved the rage of the disappointed English Minister. Upon the monstrous pretext that the National Land League was forcing upon the Irish tenant-farmers an organisation which made them all-powerful, and was keeping them by intimidation from embracing an Act which offered them nothing except helplessness and uncertainty, *the English Government has cast to the winds every shred of law and justice, and has plunged into an open reign of terror, in order to destroy by the foulest means an organization which was confessedly too strong for it within the limits of its own English Constitution*. Blow after blow has been struck at the Land League in the mere wantonness of brute force. In the face of provocation which has turned men's blood to flame, the Executive of the Land League adhered calmly and steadily to the course traced out for them by the National Convention. Test cases of a varied and searching character were, with great labour, put in train for adjudication in the Land Courts. Even the arrest of our President, Mr. Charles Stuart Parnell, and the excited state of popular feeling which it evoked, did not induce the Executive to swerve in the slightest from that course; for Mr. Parnell's arrest might have been accounted for by motives of personal malice, and his removal did not altogether derange the machinery for the preparation of the test cases which he had been at much pains to perfect. But the events which have since occurred—the seizure, or attempted seizure, of almost all the members of the Executive and of the chief officials of the League, upon wild and preposterous pretences, and the violent suppression of free

speech—put it beyond any possibility of doubt that the English Government—*unable to declare the Land League an illegal association*, defeated in the attempt to break its unity, and afraid to abide the result of test cases, watched over by a powerful popular organisation—has deliberately resolved to destroy the whole machinery of the Central League, with a view to rendering an experimental trial of the Act impossible, and forcing it upon the Irish tenant-farmers on the Government's own terms.

“The brutal and arbitrary dispersion of the Central executive has so far succeeded that we are obliged to announce to our countrymen that we no longer possess the machinery for adequately presenting the test-cases in court according to the policy prescribed by the National Convention. Mr. Gladstone has, by a series of furious and wanton acts of despotism, driven the Irish tenant-farmers to choose between their own organisation and the mercy of his lawyers—between the power which *has reduced landlordism to almost its last gasp* and the power which *strives with all the ferocity of despotism to restore the detestable ascendancy* from which the Land League has delivered the Irish people.

“One constitutional weapon alone now remains in the hands of the Irish National Land League. It is the strongest, the swiftest, the most irresistible of all. We hesitated to advise our fellow countrymen to employ it until the savage lawlessness of the English Government provoked a crisis in which we must either consent to see the Irish tenant-farmers disarmed of their organisation and laid once more prostrate at the feet of the landlords, and every murmur of Irish public opinion suppressed with an armed hand, or appeal to our countrymen to at once resort to the only means now left in their hands of bringing this false and brutal Government to its senses.

“Fellow-countrymen, *the hour to try your souls and to redeem your pledges* has arrived. The Executive of the National Land League, forced to abandon the policy of testing the Land Act, feels bound to *advise the tenant-farmers of Ireland from this forth to pay no rents under any circumstances* to their landlords until the Government relinquishes the *existing system of terrorism*, and *restores the constitutional rights* of the people. Do not be daunted by the removal of your leaders. *Your fathers abolished tithes by the same method without any leaders at all*, and with scarcely a shadow of the magnificent organisation that covers every portion of Ireland to-day.

‘Do not suffer yourselves to be intimidated by *threats of military*



millions of money as they have co  
landlordism and bring English tyr  
to show that you are not unworth  
your cause. No power on earth c  
own part can defeat you. Landlor  
the blows which you have dealt  
world.

**"One more crowning struggle for  
a struggle in which you have all t  
hopes of your children, all the sac  
thers, all your cravings for rent-ent  
and National Freedom to inspire  
destroy landlordism at the very so  
and the system which was, and is,  
your existence will have disappear  
ing to see whether all your splendi  
crumble away at the first threat of  
to choose between throwing yourse  
and taking your stand by the or  
proved too strong for English desp  
all-powerful unity and impotent dis  
for the Landlords and the Land for  
your choice. Every tenant-farmer o  
bearer of the flag unfurled at Irishtc  
victory.**

**"Stand together in the face of tl  
of your race ; pay no rents under any  
fearlessly by while the armies of Eng  
less struggle against a spirit which el**

*a single winter how powerless is armed force against the will of a united, determined, and self-reliant nation.*

CHARLES STUART PARNELL, President, Kilmainham Jail.  
 A. J. KETTLE, Honorary Secretary, Kilmainham Jail.  
 MICHAEL DAVITT, Honorary Secretary, Portland Prison.  
 THOMAS BRENNAN, Honorary Secretary, Kilmainham Jail.  
 JOHN DILLON, Head Organiser, Kilmainham Jail.  
 THOMAS SEXTON, Head Organiser, Kilmainham Jail.  
 PATRICK EGAN, Treasurer, Paris."

18th October, 1881.

Extracts from this were afterwards printed in a short form, under the name of Patrick Egan, and circulated through all parts of the South and West by post and otherwise. See *ante*, p. 365.

The usual weekly meeting of the Land League was held at the Rotunda on the 18th October, 1881. The Chair was taken by the Rev. James Cantwell, Administrator, Thurles.

The arrest of the leaders had brought a large attendance from all parts of the country. Mr. Biggar, M.P., Mr. T. E. Sullivan, M.P., Mr. E. Leamy, M.P., eleven priests, and a large number of Poor Law Guardians were present. The manifesto was read by the Secretary amid loud cheers, and the Chairman said, "If the leaders are imprisoned the priesthood of Ireland is not imprisoned, and the priesthood of Ireland which now remains will be found as a body with the oppressed and downtrodden of the country. . . . It will be impossible to imprison the priesthood of Ireland, the people will not stand it, and the Government will not attempt it."

Meetings of the Land League were at once held in all parts of the country, attended and presided over in most instances by priests, and this manifesto was publicly endorsed or adopted:

## APPENDIX N.

## LIST OF "SUSPECTS."

(Referred to *ante* p. 334.)

"The Protection of Person and Property (Ireland) Act, 1881" (44 Vic., c. 4), provides (Sec. 1), that any person who is declared by the Warrant of the Lord Lieutenant to be *reasonably suspected* of having been guilty "of treasonable practices or other crimes therein mentioned, or of inciting to an act of violence or intimidation, tending to disturb the maintenance of law and order," may be arrested and detained in prison without trial, and "shall not be discharged or tried by any court." And the warrant shall be "conclusive evidence of all matters contained therein," and also of "the legality of the arrest and detention." The warrant is required, except in case of treason, to state the cause of the arrest; and it is required to be published every month in the *Dublin Gazette*, or laid before Parliament.

Sub-section 3 of sec. 1, provides that any person so detained, "shall be treated as a person accused of crime, and not as a convicted prisoner, subject to the *special rules* for the time being in force with respect to prisoners awaiting trial;" but the Lord Lieutenant "may make regulations modifying such special rules as far as they relate to persons detained under this Act."

By sec. 2 the provisions of the 3rd sec. of the Relief of Distress (Ireland) Act (43 Vic. 4), were made applicable to the families of prisoners so detained as "suspects" for alleged crimes, to remain in force as to the families of such persons "during the continuance of this Act;" that is until September 30th, 1882.

That section of the "Relief of Distress Act" was passed especially for the relief of poor persons who, having small farms, or on other grounds were ineligible for poor-relief, and could not well avail themselves of the workhouse. It provided that the Local Government Board might authorise the Poor Law Guardians "to administer relief in food and fuel, or either of them, out of the workhouse to such poor persons."

These special provisions for the relief of the poor in a time of great distress were thus applied for the reward of the families of "reasonably suspected" criminals, whom a defective law and

sympathising jurors prevented from being brought to trial. The relief of the poor ceased on the 31st March, 1881, the rewards of the suspects were to continue as long as they would be detained in prison.

*Number of Prisoners and Nature of Crimes Alleged.*—The entire number of prisoners arrested up to 1st March, 1882, was about 700. The number in prison on that day was 569, some having been from time to time released.

The crimes alleged against those in confinement on that day may be classified as follows :—

1. "Reasonably suspected" of murder or of shooting at ... ..	80
2. "Reasonably suspected" of treason or treasonable practices ... ..	11
3. "Reasonably suspected" of intimidation by firing into houses, by assaulting persons, by attacking houses by night, or by sending threatening letters (the last are very few) ... ..	436
4. "Reasonably suspected" of incendiary fires (a crime very difficult to detect) ... ..	13
5. "Reasonably suspected" of other offences, or inciting to specific crimes committed ... ..	29

Total of persons in gaol under the Act on the 1st day of March, 1882* ... ..	569
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The crimes alleged against Messrs. Parnell, M.P., Dillon, M.P., and Kelly, M.P., are as follows :—

C. S. Parnell, M.P., No. 80.

1. Inciting persons to intimidate others from paying rents ; inciting to an act of intimidation, tending to interfere with the maintenance of law and order.
2. Inciting persons to intimidate others from applying to the Land Court.
3. "Reasonably suspected" of having since the 30th September been guilty, as principal, of treasonable practices."

James O'Kelly, M.P., No. 83.

"Reasonably suspected" of having, since the 30th September, 1880, been guilty of treasonable practices."

John Dillon, M.P., No. 108, same as Mr. Parnell in No. 1.

These were the crimes of which the prisoners were accused. It was a mere deception, in ninety per cent. of the cases to call them "Political Prisoners." They were prisoners accused, upon sworn testimony, of base and cowardly crimes, upon such testimony as must have left the Attorney-General reasonably convinced of their guilt, and for which, in the ordinary course, he would have directed a prosecution. But from the utter break-down of the Whig Jury System in Ireland, the Government were afraid to bring the prisoners to trial. Instead of a trial or punishment, the following comforts were provided for them as "Suspects."

Under clause 1, sub-sec. 3, above mentioned, the Lord Lieutenant on the 5th March, 1881,\* sanctioned an entire new code of regulations specially adapted for the comfort and convenience of the "Suspects."

It will be very instructive to see these special regulations for prisoners, accused of murder, shooting at, inciting to murder, assaulting persons and dwellings—the men who organised and assisted in the reign of terror.

The substance of some of them is as follows:—

2. Any such person may provide his own food; but shall not, during the twenty-four hours, receive more than one pint of beer, cider, or other fermented liquor, or half a pint of wine.

3. A prisoner shall not be compelled to have his hair cut closer than requisite for health. The cleaning of the rooms, yards, &c., of the prisoners shall be performed for them every day.

5. Each prisoner may have supplied to him, at his own expense, such books, newspapers, or other means of occupation as are not in the opinion of the Governor of an objectionable kind.

(As a fact, under this rule, in many prisons there is a public room where all the prisoners meet for eight hours, and it is supplied like a club, with all the papers and periodicals, and also with cards, chess, drafts, and such like materials for amusements.)

6. If a prisoner wishes to follow any trade, he is to be supplied, on payment, with the necessary implements, and to have all the earnings. He may be visited by one or two persons, for a quarter of an hour each day—every endeavour is to be made to prevent the prisoner and such friends, at such times, from being exposed to the view of others. Paper and writing materials shall be furnished to those who wish to write to their friends. "Any con-

\* Report of the General Prisons Board, 1880, 1881.

fidential written communication, prepared as instructions for a solicitor, may be delivered personally to him or his authorised clerk, without being previously examined by any officer of the prison."

(This may probably account for the "No Rent Manifesto" having issued with the names of the prisoners, and dated from the prison.)

9. Diet—*Breakfast*—Per diem—12 oz. bread, 1 pint coffee (materials good); or 6 oz. of oatmeal in stirabout and 1 pint of milk.

*Dinner*—Four days in the week—2 lbs. potatoes, 9½ oz. beef, and one pint of soup, with 1 oz. of vegetables, and 1 oz. oatmeal. On Wednesdays and Fridays—12 oz. bread and 1 pint coffee.

*Supper*—12 oz. bread and one pint tea or cocoa.

10. Out for exercise, four hours daily, two hours before dinner and two hours after dinner.

11. Prisoners may be in association during exercise, and for any further period not exceeding six hours each day.

*(So that under these two rules the prison may be turned into a social club for 10 hours, which with two hours for meals, would dispose of the day much more agreeably to such classes than 10 hours honest work and inferior fare.)*

12. Smoking allowed during exercise hours in the open air.

14. Letters may be sent and received without restriction—if approved of by the governor.

15. Each prisoner shall have a suitable room or cell, fitted with such suitable bedding and such articles as are suitable to his ordinary habits—and, at his own cost, the use of private furniture.

18. Punishments—stoppage of exercise and reduced diet.

Under Rule 4 the most of the prisoners, if not all, have been in the habit of receiving £1 a week each through the Governors of the Gaols. Out of the Political Prisoners' Fund got up by the *Freeman's Journal*, it appears that sums amounting to £13,000 have already been paid to Miss Parnell for this and like purposes.

Under Rule 5 it was at one time stated that many prisoners had their cells nicely furnished by the Land League, and upon their release, of course, took away the furniture.

Writing to the Chief Secretary for the Protection of Property utmost in favour of the prison officials." When the those accused of perpetrating only natural that crimes show

## APPENDIX

### LAND LEAGUE

As soon as the Land League stopped, the principal part of the Land League, who thenceforth chief part of the contributions FUNDS," of which Mr. Egan, was treasurer. There was a Fund stated in the *Irish World* to be arms and sustaining outrages. I Fund," and sometimes "The Specially, and so announced, for the dear old landlords!" "to go through the hearts of eleven Irish liberty." On the 9th February received and acknowledged under John Breslin John D. ....

very strongly that this Fund also came through the hands of Mr. Patrick Egan, whose name was affixed to the short form of "No Rent Manifesto,"\* and by the aid of Mr. Sheridan, was used to pay for or keep up the outrages committed in Ireland. There was also the "POLITICAL PRISONERS' FUND" collected by the *Freeman's Journal*, and the Fund used for and known as "THE EVICTED TENANTS' FUND."

The following accounts are instructive :—

#### POLITICAL PRISONERS' FUND.

. Account in *Freeman's Journal* of the 13th March, 1882.

	£	s.	d.
Amount received by the <i>Freeman</i> for the Political Prisoners' Sustentation Fund	-	-	21,176 3 3
Amount paid to Miss Parnell for Prisoners up to February 28th, 1882	-	-	8,000 0 0
Balance in hand	-		13,176 3 3

Account of June 1st.

Amount already acknowledged	-	-	23,121 6 3
By amount to Miss Parnell to April 25th	-		18,000 0 0
			£5,121 6 3

*Thus, between February 28th, and April 25th, when the Kilmainham Treaty was nearly closed, Miss Parnell got £10,000 for the 600 prisoners who were about to be released.*

#### EVICTED TENANTS' FUND.

No special accounts of the sums appropriated to this Fund were published, but from week to week the amounts distributed were mentioned. It was the habit of these ladies to go round to the houses of the tenants when they were called on to pay their rents, and to use every persuasion and threat to induce them not to pay, offering to support their families if they allowed themselves to be evicted.

\* *Ante* p. 472.



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## APPENDIX

### WORKING OF THE LAW

(Referred to *ante* pp. 8, 23, 30)

#### (1.) Principles of ascertainment

##### MR. JUSTICE O'HAGAN

The Commission opened on the Commissioners, Mr. Justice O'Hagan, Commissioner Vernon. The proceeding on the part of the officer who announced that the Court is now open."

Mr. Justice O'Hagan, as the hearing proceeded, made a long statement upon the principles of the Act, and the rules made thereunder. This was a very deliberate proceeding for the guidance of the several Commissioners. As enormous and unusual powers had been given by this statement, he described the Commission between the landlord and the tenant, and having regard to the interests of both parties, and having regard to the tenant respectively, and considering the case the holding and the district.

lord, no rent should be made payable by the tenant in respect of those improvements. . . . We should be ashamed to deem ourselves deficient of . . . the common human quality of courage to execute what we discern to be right (applause). We know that the Act means good, and great good, to the people of Ireland."

The above definition of a "Fair Rent" may be very just and proper in some cases, the term "live and thrive," loose though it is, being used to express the tenant's just profit. On a farm of thirty acres or more, the fair profit, after expenditure, might be so calculated; but, if such a rule be applied, as it was applied, by many of the sub-commissioners to tenants with large families, and a bad system of husbandry, trying to "live and thrive" solely out of three acres or six acres, it is clear that all rent must vanish.

This definition of a fair rent seems dangerously similar to that given continually upon Land League platforms.\*

In the case of *Adams v. Dunseath*, heard before the Chief Commissioners in January, 1882, Mr. Commissioner Litton, Q.C., in giving judgment, first referred to a statement in the report of the Bessborough Commission, that "the computation should in general start with an estimate; first, of the gross annual produce†; and secondly, of the full commercial rent according to the rules observed by the best professional valuers. From this last should be deducted, as a rule, any portion of the annual value which is found to be due to improvements, *not made or acquired by the landlord*," and he then proceeded to say, "We should, in my mind, ask ourselves in each case, and as far as possible discover from the evidence, what annual sum could a tenant of ordinary capital, skill, and intelligence, *afford to pay* one year with another for the holding as it stands, with all its surroundings regarding the circumstances of the holding and district, and allowing that the landlord had the farm in his own possession to let it to a solvent tenant . . . not what a tenant could be got to offer, but what he could be reasonably asked to pay. . . . We should exclude the competition value . . . In the case of a tenant in possession, the landlord has not the possession to give, and therefore cannot claim the competition value. . . . The competition value, less by the good-will arising from actual occupation, I call the commercial value of the holding. *From the result thus ascertained, must be deducted the amount which the improvements of the tenant, or his predecessors in title, have contributed to the present letting value of the holding.*" Mr. Commissioner Litton repudiated the "live and thrive" doctrine; he said, "the result of it would be that some holdings, where very small, should be sub-

\* See ante p. 4.

† The whole question is discussed ante pp. 6 to 44.

the present letting value in fixing  
Even if the landlord and tenant  
owners, this would not appear fair  
Act the landlord was sole owner.]

**(2.) Proceedings of the Sub-Com**

**FAIR 1**

**Applications to fix fair rents—**

No. served for the first day of sitting  
1881, (Section 60) as extended  
ber, 1881,† about -

No. of further Notices served to

Total to Feb

Further applications February 24th

**Cases heard—**

No. of rents fixed to February 1  
Cases dismissed or withdrawn,

Total cases disposed of

(On these cases 704 Applications)

Further cases of rent fixed February

16th, - -

Do. dismissed or withdrawn,

Total cases disposed of to April 15th

It will be seen from the above return that on February 14th there was an arrear of  $(74,588 - 3,206 = )$  71,382 cases undisposed of, and that during the two months from February 14th to April 15th, there were 1,801 new notices to fix rents served, while only 2,376 cases were disposed of, thus lessening the arrears only by  $(2,376 - 1,801 = )$  575 cases, and leaving an arrear of 70,807 cases still undisposed of.

Returns have been made to Parliament by the Land Commission showing the reductions of rents made.

From the return of January 28th, 1882, it appears that in the 1,313 cases heard up to that time, a rental of £37,441 had been reduced by £8,855, leaving the judicial rent £28,586. The reductions being on an average 24·4 per cent. in Ulster, 21·6 per cent. in Leinster, 28·5 per cent. in Connaught, and 23·3 per cent. in Munster.\*

### (3.) SETTING ASIDE LEASES.

#### LEASES.

Total applications to set aside leases (Sec. 21) for undue pressure—

Cases disposed of up to April 15th, 1882,	-	1,434
No. of leases declared <i>void</i> ,	- - -	72
Applications dismissed or struck out,	- - -	406
Do. withdrawn or compromised, -	- - -	195
		<hr/>
Total cases disposed of,	-	673
		<hr/>
Cases yet untried, -	-	761

The time for applying under this Section expired on the 22nd February, 1882, so that no further applications can now be made. From the above return it appears that more than 90 per cent. of the cases were dismissed or withdrawn, showing that the numerous charges brought against the landlords of their oppressively and unjustly compelling the tenants to take leases at increased rents, and with oppressive stipulations, were chiefly based upon falsehood and fraud.

\* Return. Also, Land Committee's Paper, No. xiv.

## APPENDIX Q.

PRIVATE COMMITTEES FOR THE EXECUTION OF THE LAW  
AGAINST RESISTING TENANTS.

In 1880 the reign of terror established by the Land League rendered it almost impossible to obtain bailiffs or process-servers in many counties and districts to serve or execute any process of law for a landlord against a tenant. Sales by sheriffs were all rendered abortive, because no one dared to purchase, and lands evicted were all left derelict, because no one would rent them, or incur the danger of caring them. This necessity led to the establishment of two voluntary Committees to collect funds, and therewith to secure the services of bold and daring men, accustomed to the use of arms, chiefly Orangemen from Ulster, to be engaged upon this perilous service.

1st. *The Property Defence Association*.—This Association was formed in December, 1880, and in August 1st, 1881. Its Committee included 11 Peers and 20 other influential men. At a large meeting of land-owners, a resolution was adopted and subscribed to, promising an annual contribution of ten shillings in the £100 on the valuation of their estates for three years to some one of the Associations. The objects of the Property Defence Association are stated in their report as follows:—

“To aid landlords; by effecting service of writs in cases of fraudulent combination to withhold payment of rents; by insuring purchasers for goods to be sold under decrees, where otherwise no purchasers could be had through intimidation; by procuring tenants for, or otherwise utilizing evicted premises now lying waste in various parts of the country.

“To aid tenant farmers; by insuring purchase of goods otherwise unsaleable through combination; by procuring labourers, herds, and other farm servants, at ordinary wages, where those previously employed have left their service through intimidation.

“To aid shopkeepers; by giving legal assistance, and protection against hostile combination.

“To aid labourers; by affording such protection as may be possible to those desirous of remaining in employments which they have been warned to leave.

“And to aid those whom local tradespeople refuse to supply; by sending to such persons goods, &c., at market price.”

During the year its agents attended 629 sheriff's sales of farms and 79 sales of stock. Prior to their undertaking this duty, the organisations of the Land League were so complete, and its terrors so widespread and effectual, that all sheriff's sales of land or crops were a mockery, as no one dared to bid. By the attendance of the Committee's agents, many tenants were compelled to pay the demands against them or to buy in their own farm and stock. But in many cases they did not do so. The Committee had to buy for the landlords 244 farms, or nearly one-third of the number sold. They also supplied 410 caretakers for farms, and served 357 writs. They also, during the year, had to undertake numerous expeditions, fully equipped, with machines, carts, horses, &c., for cutting and saving "boycotted" hay, grain harvests, digging potatoes, and pulling roots. All these expeditions had to be performed by armed men, and under the protection of large escorts of military and police; and in most cases the entire force had, during the work, to be kept provided in food, &c., from a distance, as no supplies would be sold to them in the localities.

2nd. *The Emergency Committee.*—This Committee was formed in December, 1880, and during the year 1881 it expended £11,000 upon the work.

From December, 1881, to January 25th, 1882, it placed 23 caretakers in charge of evicted farms, assisted in carrying out 61 evictions, aided at 34 sheriff's sales, and bought in 21 farms for the landlords.

1848, February 17th  
"Cruel Suspension Act,"  
*the Acts of Force and Arms*  
and brutal can do these  
per, of higher genius—  
the affairs of Ireland. Is  
Exchequer whether this qu  
his colleagues."

Speaking in Ireland about  
said, "If Ireland were rem  
changed, or the landlords a  
the people."

The speeches of Mr. G.  
continuous, and so destruc  
Ireland that it is difficult  
that the ascendancy of the  
of the branches of a destruc  
to cut down (*ante* pp. 137-  
used the oft-quoted statemen  
well Prison and the murder  
about the Disestablishment  
the announcement that he  
to *Irish Ideas*" (*ante* p. 349)  
have shown to the world  
speeches quoted of those of t  
have given a fearful catalogu  
according to this declaration.

On the 4th of April, 1848  
Gladstone said, "When you  
is a misfortune."

League leaders in their No Rent Manifesto. This document, issued by Parnell and the six other leaders from their prisons on the 8th of October, 1881, said, "Pay no rent under any pretext," and added, "Do not be daunted by the removal of your leaders, your fathers abolished tithing by the same method without any leaders at all" (*ante* p. 356). The summary of this manifesto, spread broadcast among the tenantry in February and March, 1882, had a like allusion appended to it (*ante* p. 365).

These are the declarations of the League to which Mr. Gladstone must have known that he was subscribing when he made that speech.

On the 13th February, 1882, when Mr. P. J. Smith, M.P., moved to address the Crown in favour of Repeal of the Union, Mr. Gladstone declared his intentions "as a cardinal rule of policy, so far as he could, with regard to the general safety and structure of the empire, to decentralize Parliament" (*ante*, p. 416). This language was at once interpreted in the House of Commons as a *concession of the principle of separation*.

Mr. Chamberlain, at Birmingham, on January 3rd, 1882, spoke of the "10,000 landowners of an alienated people being reinforced by ten times their number" (*ante* p. 407). The meaning of this suggestion was significantly intensified by another allusion in the same speech. He said, "In a few years we shall have wrought a great social transformation as important as that which was carried through with so much suffering and bloodshed in the French Revolution" (*ante* p. 418).

This speech from a Cabinet Minister of the Crown in 1882 was a strange commentary upon, if not adoption of, the speech of Mr. Lalor, M.P. for the Queen's County, in June, 1880, when he said, "You have heard how the French people were treated. *They took a method of getting rid of their landlords which, unfortunately, we cannot take. No, my friends, we are not able to take that method. I wish we were.*"

*Mr. Disraeli.*—As a contrast to these unwise and communistic speeches, a few words of foresight may be given from one of the speeches of Mr. Disraeli in 1870, made upon debate of the Land Bill of that date. He said: "There will soon arise a new grievance—the payment of rent. And the non-payment of rent will become a principle asserted by the same rural logic, the startling consequences of which have filled the mind of the country with horror almost every day." (Quoted in Hansard Par. Rep. vol. cc., 1184-5.)



## APPENDIX S.

MESSRS. PARNELL AND REDMOND'S LAND BILL  
OF 1882.(Referred to *ante* pp. 368, 451.)

This Bill was introduced on the 26th day of April, 1882, with the names of Messrs. Redmond, Parnell, Healy, Sexton, and M'Carthy upon it, before the release of Mr. Parnell from prison. It was hailed by Mr. Gladstone as an expression by the Land League of a desire to make the working of the "Land Act" *an effectual security* for the restoration of peace and tranquillity in Ireland (*ante* p. 471). It will, therefore, be very important to see the terms which were demanded and thus almost conceded.

## THE BILL.

Sec. 1.—. . . . . "The judicial rent fixed by the Court shall be deemed to be the rent payable by the tenant as *from the period commencing at the rent day next succeeding the date of the application* to the Court. . . . . Provided always that this provision shall not apply in the case of any application made to the Court *on the first occasion on which it sat after the passing of the Act.*"

*(This provision would plainly render the collection of nearly all rent impossible for many years, for with an arrear of 70,000 cases before the Land Courts at present, and the influx of some hundreds of thousands of fresh cases which this Bill would bring in, the rents could not be all fixed for 19 or 12 years, and until fixed, no tenant, if this Bill passed, could tell what rent he would have to pay, and would therefore pay none. A block of this kind actually exists as to these applications made "on the first occasion" (see 60), the rents to be reduced upon such applications are affected from the gale day next after the passing of the Act, and there is now a block of 40,000 such cases still unheard (see ante p. 544). The next section, therefore, proposes to confer an arbitrary power on the courts, but this would not mend it.)*

Sec. 2.—This provides that as soon as a tenant has made an application to the court to fix a judicial rent, if any proceedings are taken in any court to *recover, from him, any rent*, the court, upon the application of the tenant, shall postpone or suspend such proceedings so far as they relate to, or are founded upon, any rent accruing due on any such rent day or days aforesaid, *until*

*the termination of the proceedings, upon the application to fix the fair rent, on payment by the tenant (in respect of such rent) of such amount as the court shall deem just, not exceeding Griffith's valuation.*

*(Thus, the hands of every court would be tied, so that there could not be any decree for possession, nor for rent to enforce any payment, until they first ascertained what was a fair rent not more than Griffith's valuation. The County Court would thus soon be blocked as effectually as the Land Court, and all payment of rent would cease.)*

Sec. 3.—This proposes to repeal subsection 5 of section 8 of the Act of 1881, and so much of section 58 as exempts "Town Parks" from the operation of the Act of 1881.

Sec. 4.—This gives a new definition of improvements.

Sec. 5.—(Sub-section 1.) This is framed for the purpose of reversing the decision as to tenants' improvements given by the Court of Appeal in the case of *Adams v. Dunseath*. It deals with the increase of the *letting value* of a holding caused by improvements made by the tenant; and provides that *such increase in the letting value* shall, for the purpose of any such application to fix a fair rent, be *deemed to be the property of the tenant*; and no rent shall, in any proceedings under the said Act, or this Act, be allowed or made payable in respect thereof."

*(Thus, if a tenant, by expending one sum of £20 increases the value of a holding £15 a year, which often occurs by the sinking of a watercourse, which, by being neglected, has flooded a large quantity of land, the entire increased value is transferred to the tenant for ever.)*

Sub-section 2 provides that the enjoyment of the improvements by the tenant, no matter for how long, and though free from any increased rent, shall not be deemed a compensation for same.

Sub-section 3.—This repeals the 4th section of the Act of 1870, which required the court in awarding compensation for improvements, "to take into consideration the time during which the tenant may have enjoyed the advantage of such improvements."

Sec. 6.—This provides for making the prairie value the value to be fixed by the court thus: "All improvements on such holding shall, until the contrary is proved, be deemed to have been made by the tenant or his predecessors in title."

Sec. 7.—That the judicial rent for any subsequent term after the first 15 years "shall never exceed the rent first fixed."

Sec. 8.—"Predecessors in title" to mean predecessors in occupancy; that is, that even if the landlord himself was the predecessor

introduced by the ministry, viz  
the year 1881, the govern  
arrears, such half not to exc  
arrears should be abolished

*(This would seem to press  
lords in Ulster, where the te  
years' purchase, and trusting  
arrears.)*

This is the Bill which led  
negotiations of Kilmainham, a  
with regard to it, seem to pr  
a deadening gloom over the  
Land Question has only comm  
with the passing of the Land

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## APPE

### PROPERTY

*Article in the English Law M  
R. W. Gamb*

After stating the arguments  
Cairnes to the effect "that the  
from the right of property in any  
not the owner of the land he i  
rights of owner of the land

of the landlord being the real owner of the land, the right ownership which the occupier has in the soil which he cultivates is paramount to that of the landlord from whom he holds it."

He says: "Since, then, we are thrown back, by this mode of abstract reasoning, to examine the foundation of the right of property, let us ask, What material thing is there in which man can have a property, except land and its products (water is included in the term land)? The right of property in both must be traced to the same source and rest upon the same foundation, and that acquired in the land itself, cannot be any weaker than that acquired in any of its products.

"Then as to any other commodity, the first owner must have derived the raw material originally from the owner of the land, and therefore the right of property which such first owner has in it, cannot be any stronger than that which the owner of the land, from whom he derives it, has in his land, from which it was taken.

"Each succeeding owner of the commodity, by the expenditure of his labour and capital upon it, may increase its value, but the last owner, by whatever means he has acquired it will have only the same right of property in it, with all its increased value, as the first owner had, and this is just what has occurred with the land.

"The tenant originally received the land on hire from the landlord, pursuant to a contract; no length of time through which that contract is continued, nor any mode of dealing by the tenant with the thing hired, can operate to transfer the right of property in it from the landlord to the tenant who hires it. The argument is that the tenant, by mixing his labour and capital with the land of his landlord, thereby acquires a property in it; but this is not so. If one hire out a horse to another for a certain time, say for a season to hunt, or to drive, and the hirer be a skilful rider or driver, the horse may on this account be of much greater value at the end of the hiring. If one let for a certain time a shop, and the business carried on in it, and the hirer, by his skill and management, increases the business four-fold by the end of the time; if one hire out furniture, and the hirer, for his own pleasure, have it polished and renovated, so as to be worth much more at the end of the hiring, no one would for a moment suppose that the hirer thereby acquired a property in the horse, or the business, or the furniture, or that he thereby acquired the least claim to continue in possession of it, as against the real owner, from whom he hired.

These other commodities' any more than land anything; it can do no more than the value of the material that have been originally derived from the surface, or the mineral property in the thing rendered more valuable by the material and the labour that

"There is no more reason the lands in Ireland, and the lords have in these lands, suggested by some both in ancient occupiers, on account of would have been for them drawn upon the whole stock of cattle it among the millowners at employment for the starving eleemosynary relief. The well-known economic laws of inheritance of accumulated ev

[Referred

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## APPLICABLE PEASANT PROPRIETORS

and Oise, then to Paris. Her testimony is this: "The system requires, *even for the bare existence of the owners in the first place*, the small families of the French race." . . . Next, an amount of thrift which no English, much less Irish, labourer, is capable of: *the grudging of every morsel of food which is put into their own or their children's mouths*, saving on every article of clothing (rather rags) which they are forced to use; the spending of every hour, even of Sunday, in hard work; the giving up of everything which makes life valuable for an object which regarded as such is valueless."

She describes the German Peasant thus: "With his miserable, comfortless home; his wretched little plot of ground, above which he never lifts his thoughts; his wife ground down and prematurely aged by hard work in the fields, and sickly half-fed children eating bad black bread, drinking buttermilk and sour wine, and without enough of any of these." Again: "No one who has watched the peasant women undergoing the most severe labour in all weathers, and in all states of health, ploughing, harrowing, breaking up clods with heavy hoes, lifting great weights of hay and corn up on the carts in harvest time, *carrying manure upon their backs*, or toiling up steep hills (as we saw them constantly at Aix) with great weights of green maize, wheat, or grass upon their heads from plots, a mile or so, from their homes, for the daily food of their stall-fed cattle, will wonder at the infant mortality under a year old among French peasants. It is estimated by Jules Simon at 50 per cent. in consequence of the want of the necessary care by the mothers."

She also confirms the statement made at p. 303 *ante*, and says, "It is a mistake to suppose that in the excessive sub division of the soil, each owner cultivates his own little bit."

A witness before the Richmond Commission, says, "In one instance a farm of 50 acres was rented from 19 proprietors."

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# APPENDIX V.

BANKS and their BRANCHES open in several years from 1849 to 186

of Bank.	1849.	1858.	1863.	1866.	1869.	1872.	1875.
...	...	24	26	35	39	41	50
reland	...	1	1	2	3	5	5
...	...	39	41	44	44	44	44
...	...	50	50	54	55	98	101
Stock Bank	...	5	4	8	13	22	33
Stock Bank	...	9	...	...	...	...	...
g Co.	...	12	13	25	33	40	44
...	...	16	19	28	30	35	45
...	...	19	24	29	32	37	...
...	...	...	...	...	...	...	...



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